

STATE OF SOUTH CAROLINA )  
)  
)  
vs. )  
)  
)  
)  
Derick Lynn Poplin )  
Appellant. )  
\_\_\_\_\_ )

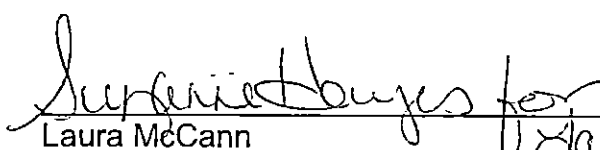
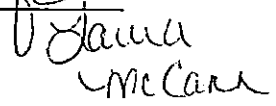
STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
  
Warrant #: 2020 A02 107 00303  
Indictment #: 2020-GS-02-01494

**RECEIVED**  
SEP 29 2020  
SC Court of Appeals

RULE 203(d)(1)(B)(iv) EXPLANATION

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that she 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. Therefore, the undersigned has filed the appeal on behalf of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> 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,

  
\_\_\_\_\_  
Laura McCann  
Aiken County Public Defender  
Post Office Drawer 2247  
Aiken, SC 29802  
(803) 642-1732  


Aiken, South Carolina  
September 15, 2020

STATE OF SOUTH CAROLINA

COUNTY OF Aiken  
STATE VS.

Derick Lynn Poplin

AKA:

Race: White Sex: M Age: 29

DOB: SS#:

Address:

City, State, Zip: Graniteville, SC 29829

DL#: SID#: SC02402724

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: RSG/Receiving Stolen goods, value >2,000<10,000

in violation of § 16-13-0180(A) of the S.C. Code of Laws, bearing CDR Code # 3740

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS

Mandatory GPS  §17-25-45  
(CSC w/minor 1st or CSC w/minor 1rd)

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

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

ATTEST: Jacques Charbon 103430 Derick Lynn Poplin FOR MR 78930  
Solicitor 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 2 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.

(47 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 Sections 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: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_ days/hours Public Service Employment

Set by SCDPPPS

Recipient: \_\_\_\_\_ 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: \_\_\_\_\_

*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 Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$

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

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Belinda Stiles

Court Reporter: Macy Ann Nevers  
SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS0201494

A/W#: 2020A0210700303

Date of Offense: 7/22/2020

S.C. Code § : 16-13-0180(A)

CDR Code #: 3740

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SEP 29 2020  
SC Court of Appeals  
NMT Bryan/K  
SENTENCE SHEET

CONVICTED OF or  PLEADS

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. Nevers  
Judge Code: 2129  
Sentence Date: Sept 15, 2020

WITNESSES

DOCKET NO. 2020GS0201494

Aiken County Sheriff

The State of South Carolina

William T Sutton

County of Aiken

Law Enforcement Case #: 20-035598

JMC

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER FILED Sept. 15 20 20 OCTOBER TERM 2020

2020A0210700303

Robert J. White  
C.C.P. & G.S. LFH  
Laura Ingram-Hynes  
Deputy Clerk

THE STATE  
vs.

DERICK LYNN POPLIN

ACTION OF GRAND JURY

CDR #: 3740

Foreperson of Grand Jury  
Date: October 08, 2020

Indictment for

VERDICT

RECEIVING STOLEN GOODS

§ 16-13-0180(A)

Foreperson of Petit Jury  
Date:

J. STROM THURMOND, SOLICITOR

RECEIVED

SEP 29 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

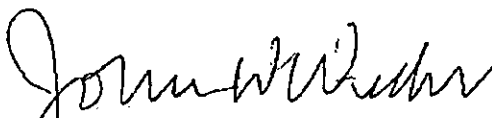
INDICTMENT FOR  
RECEIVING STOLEN GOODS

§ 16-13-0180(A)

At a Court of General Sessions, convened on October 12, 2020, the Grand Jurors of Aiken County present upon their oath:

That **DERICK LYNN POPLIN**, along with others, did in Aiken County on or between July 13, 2020 through July 18, 2020, buy, receive or possess stolen goods, to wit: miscellaneous items valued at more than Two Thousand Dollars but less than Ten Thousand Dollars and the said defendant knew or had reason to believe such goods had been stolen. All in violation of §16-13-180(A) of the 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.

  
\_\_\_\_\_  
J. STROM THURMOND, SOLICITOR

GS

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

STATE VS. Derick Lynn Poplin  
ARREST WARRANT / TICKET & CHARGE: 2020 A02 107 00303 - RSG

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: Fitness Coach @ gym  
NET WAGES: \$ \_\_\_\_\_ WEEKLY / BI WEEKLY / MONTHLY DATE OF TERMINATION: Jan. 2019

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): lives w/ mom  
mom does not work  
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: \_\_\_\_\_

\*has 2 CTC charges as well

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? NO Rent

9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.?  
\_\_\_\_\_  
AMOUNT \$ \_\_\_\_\_

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.

Can't sign due to COVID-19  
X  
Applicant

Sworn to before me this 4 day of August, 2020.

Emily COOK Notary Public for South Carolina. My commission expires: 3/26/29

RACE: B SEX: M AGE: 29

SSN: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY & STATE: Granterville, SC

TELEPHONE: \_\_\_\_\_

IN JAIL  OUT ON BOND

DATE OF ARREST: 7/31/2020

BOND AMOUNT: \_\_\_\_\_

BONDSMAN: \_\_\_\_\_

CO-DEFENDANTS: \_\_\_\_\_

The applicant's request for counsel is hereby

GRANTED

DENIED

[Signature]  
Judge/ Clerk or Deputy Clerk

DATE: 8/5/2020

ARREST WARRANT

2020A0210700303

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE

20-035598

against

Derick Lynn Poplin

Address:

Graniteville, SC 29829-

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

Sex: M Race: W Height: 5 10 Weight: 170

DL State: NC DL #: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: William T Sutton - S00658

Offense: RSG / Receiving stolen goods, value more than \$2,000 but less than \$10,000 (Enhancement per

Offense Code: 3599

Code/Ordinance Sec: 16-13-0180(A)

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 DERICK POPLIN on 073120

Signature of Probable Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P O Box 583  
109 Park Avenue  
Aiken, SC 29802

ORIGINAL

ORIGINAL

JUL 25 20 11:59 AM

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Personally appeared before me the affiant

William T Sutton

who

being duly sworn deposes and says that defendant

Derick Lynn Poplin

did within this county and state on or about

7/22/2020

violate the criminal laws of the

State of South Carolina (or ordinance of

County/  Municipality of

Aiken)

in the following particulars:

DESCRIPTION OF OFFENSE: RSG / Receiving stolen goods, value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)

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 7/22/2020 DERICK LYNN POPLIN DID HAVE IN HIS POSSESSION NUMEROUS STOLEN ITEMS, THE TOTAL VALUE OF WHICH IS MORE THAN \$2,000.00 BUT LESS THAN \$10,000.00. THIS OCCURRED ON 344 AVIS STREET GRANITEVILLE, SC IN THE COUNTY OF AIKEN.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Affiant's Address 420 Hampton Ave N E

Aiken, SC 29801-

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 to believe that

on or about 7/22/2020

defendant Derick Lynn Poplin

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: RSG / Receiving stolen goods, value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57)

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 7/23/2020

Signature of Issuing Judge

Patricia Yvonne Arthur Rushton

Judge Code: 7372

(L.S.)

Judge's Address

Langley, SC 29834-

Judge's Telephone (803)593-5171

Issuing Court:  Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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SC Court of Appeals

BAIL set by

Judge Lauren Maurice  
on 7-30-2020  
Type and Amount: 15,000 SB  
Name of Surety: \_\_\_\_\_

**PRELIMINARY HEARING held by**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

**DISPOSITION before**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

**JURORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

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Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_  
\_\_\_\_\_

