

WITNESSES

Aiken County Sheriff

Cheyenne D Pace

Law Enforcement Case #: 20-043389

DOCKET NO. 2020GS0201787

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

AAH

ARREST WARRANT NUMBER Oct. 12 20 20 NOVEMBER TERM 2020

2020A0210201559

Robert J. White
C.C.P. & G.S. *LFH*
Lester Thomas-Hynes
Deputy Clerk

THE STATE
vs.

PETER V. BROWN

ACTION OF GRAND JURY

CDR #: 0184

Indictment for

POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN

§ 44-53-0370(b)(1)

J. STROM THURMOND, SOLICITOR

Foreperson of Grand Jury
Date: October 29, 2020

VERDICT

Foreperson of Petit Jury
Date:

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OCT 19 2020
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

)
)
)
)

INDICTMENT FOR
POSSESSION WITH INTENT TO DISTRIBUTE
HEROIN

§ 44-53-0370(b)(1)

At a Court of General Sessions, convened on November 2, 2020, the Grand Jurors of Aiken County present upon their oath:

That **PETER V. BROWN** did in Aiken County on or about September 7, 2020, knowingly or intentionally possess with intent to distribute a quantity of Heroin, a controlled substance under provisions of §44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM HURMOND, SOLICITOR

ARREST WARRANT

2020A0210201559

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE

20043389

against

Peter V Brown

Address:

Phone: SSN:

Sex: M Race: B Height: 5 6 Weight: 155

DL State: DL #:

DOB: Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Cheyenne D Pace - S00689

Offense: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

Offense Code: 0183

Code/Ordinance Sec: 44-53-0370(b)(1)

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 Paul V. Brown

on 09-07-20 at 1217

Deputy Hess 6079
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 Cheyenne D Pace

being duly sworn deposes and says that defendant Peter V Brown

did within this county and state on or about 9/7/2020

violate the criminal laws of the

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

In the following particulars:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

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 September 7, 2020 in the city/county of Aiken, one Peter V Brown did possess, manufacture, distribute, purchase and/or possess with intent to distribute a schedule (I/II) controlled substance in that he did have in his possession a quantity of heroin which was found in a bag containing other smaller bags containing the substance and based on officer training and experience baggies of this size are used to distribute narcotics. This being in violation of the South Carolina Code of Laws as amended.

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 9/7/2020 defendant Peter V Brown

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: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

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 9/7/2020

Signature of Issuing Judge
Lauren Maurice

Judge Code: 7406

Judge's Address 435 Wire Road

Aiken, SC 29801-

Judge's Telephone (803)642-2044

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 519

AFFIDAVIT

A. Dailey for

ORIGINAL

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BAIL set by

Judge Lauren Maurer
on 9/7/2020
Type and Amount: 25,000 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: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Name: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



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SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF Aiken
 STATE VS

Peter V Brown

AKA: _____

Race: Black Sex: M Age: 41

DOB: SS#

Address: _____

City, State, Zip: _____

DI# _____ SID# _____

*C.H. Yes No CMV Yes No Hazard Yes No

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

TO: Drugs: Possession with Intent to Distribute Heroin - 2nd offense

in violation of § 44-53-0370(b)(1) of the S.C. Code of Laws bearing CDR Code # 0184

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS 17-25-13

The charge is As Indicted, Lesser Included Offense, Defendant Waives Pre-trial to Grand Jury 17-25-13 (defendant's initial)

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

ATTESI: _____

Dakota Thompson 30176 X Scott Supreme Bygs for LM 77833
 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 5 days/months/years or under the 3-month Offender Act not to exceed year

and/or to pay a fine of \$ _____; provided that upon the service of 3 days/months/years and the payment

of \$ _____, plus costs and assessments as applicable; the balance is suspended with probation for 30

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of

probation, which are incorporated by reference. Recommendation - PM

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 S.D.C.

CREDIT 36 DAYS. (WLS)

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-133

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, Del. Waiver Hearing, Ordered, P.T.U.P.

Total: \$ _____ plus 20% fee, \$ _____ days/hours Public Service Employment

Payment Terms: _____

Set by SCDPPPS

Recipient: _____

*Fine	\$	
§ 11-1-200 (Assessments 10% SP#)	\$	
§ 11-1-210 (A/C) (Cons. Surcharge)	\$100	\$ 100.00
§ 11-1-211 (A/C) (DUI Surcharge)	\$100	\$
§ 6-5-2903 (DUI Assessment)	\$12	\$
§ 6-1-280 (DUI Breath Test)	\$24	\$
Proviso (Public Def/Probation)	\$90	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§ 6-1-114 (DUI Breath Test Fee)	\$0	\$
§ 6-5-294(1) (Vehicle Assessment)	\$100	\$
3% to County (if paid in installment)		\$ 23.25
TOTAL		\$ 798.25

- Obtain GED
- Attend Voc. Rehab. or Job Corp.
- May serve W.E. beginning _____
- Substance Abuse Counseling
- Random Drug/Alcohol testing

Time may be pd. in equal, consecutive weekly/monthly
 parts of \$ _____ beginning _____

\$ 500 paid to Public Defender Fund

other: PAY P.D. FEE + COURT COSTS
@ RATE SET BY SCDPPPS

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 _____

Judge Code: 2050
 Sentence Date: OCT. 12, 2020

Deputy Clerk: Dakota Thompson
 Court Reporter: Steve LeBlanc

GS

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

STATE VS. Peter V. Brown
ARREST WARRANT / TICKET & CHARGE: 2020 A02 102 OISSA - MDP, Narc drugs

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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: DC Painting - Evans, GA
NET WAGES: \$ 700.00 WEEKLY / BI WEEKLY / MONTHLY DATE OF TERMINATION: few months ago

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): lives w/ his mom
Mom is disabled & he helps take care of her
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: Food Stamps AMOUNT: \$195.00

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: Aniyah AGE: 17 RELATIONSHIP: _____ AMOUNT \$ _____
NAME: Areanya AGE: 6 RELATIONSHIP: _____ AMOUNT \$ _____
NAME: Nicholas AGE: 13 RELATIONSHIP: _____ AMOUNT \$ _____
1 month \$21.00

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? rent \$300-400

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 15 day of September, 2020.

Lonny Cook Notary Public for South Carolina. My commission expires: 3/26/29

RACE: B SEX: M AGE: 11
SSN: _____
DATE OF BIRTH: _____
ADDRESS: _____
CITY & STATE: _____
TELEPHONE: _____

IN JAIL. OUT ON BOND
DATE OF ARREST: 9/7/20
BOND AMOUNT: _____
BONDSMAN: _____
CO-DEFENDANTS: _____

The applicant's request for counsel is hereby

GRANTED
DENIED

Ca Ma
Judge/ Clerk or Deputy Clerk
DATE: 9/17/2020

STATE OF SOUTH CAROLINA)
)
)
 vs.)
)
)
 Peter V Brown)
 Appellant.)
)
 _____)

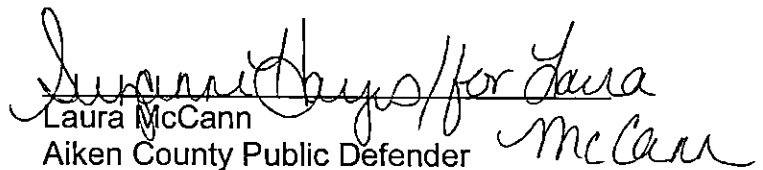
STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Warrant #: 2020 A02 102 01559
Indictment #: 2020 GS 02 01787

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OCT 19 2020
SC Court of Appeals

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

Pursuant to Rule 203(d)(1)(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. 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 (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,


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

Aiken, South Carolina
October 15, 2020