

STATE OF SOUTH CAROLINA

Indictment Nos.: 2020-GS-46-06243; 2020-GS-46-202719
and 2020-GS46-06305-

IN THE COURT OF APPEALS
State of South Carolina

FILED - RECEIVED

2020 NOV 25 AM 9:44

-vs-

George Robert Leach, Jr,
Defendant.

DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

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DEC 02 2020

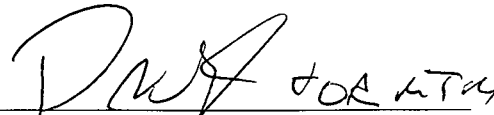
SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed the sentence upon the Appellant that pled guilty to Failure to Stop for a Blue Light (Indictment No: 2020-GS-46-02719), Possession of Heroin 3rd or Sub. Offense (Indictment No. 2020-GS-46-06243) and a second Failure to Stop for a Blue Light (Indictment No. 2020-GS-46-06305) for a sentence of four (4) with two (2) years probation.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, 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 Frazer v. South Carolina*, 430 F.3d 696, 705 (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,



Mark T. McKinnon
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for George Robert Leach, Jr.

York, South Carolina
November 25, 2020

COUNTY OF YORK
STATE VS.

JAIL

INDICTMENT/CASE#: 2020-GS-46-02719
A/W: 2020A4610200605
Date of Offense: 04/02/2020
S.C. Code §: 56-05-0750(B)(1)
CDR Code #: 0065

GEORGE ROBERT LEACH, JR.
AKA: George Robert Leach, George R Jr Leach
Race: Black Sex: M Age: 57
DOB: SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# SC00352713

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SC Court of Appeals

ORIGINAL

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: **Fail To Stop For A Blue Light (NMT 3 years or NLT \$500)**

CONVICTED OF or

PLEA

In violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. COVID (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Jessica M. Shelton 60741
Assistant Solicitor SC Bar # 60293
COVID
Defendant
[Signature] 74065
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 4 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 2
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2020 GS 46 06243
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 58 days

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: _____ Obtain GED

Set by SCDPPPS: _____

Recipient: _____
*Fine: _____ \$ _____
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
§56-5-2995 (DUI Assessment) \$12 \$ _____
§56-1-286 (DUI Breath Test) \$25 \$ 25
Proviso (Public Def/Probation) \$500 \$ _____
§14-1-212 (Law Enforce. Funding) \$25 \$ _____
§14-1-213 (Drug Court Surcharge) \$150 \$ _____
§50-21-114 (BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ \$ _____
TOTAL \$ 25

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 and _____
Other: _____
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2020 NOV 24 AM 11:02
CERTIFIED TRUE COPY

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: [Signature]
Judge Code: 2753
Sentence Date: 11-19-2020

Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: Nadine Capps

WITNESSES

YCSO

Witnessing Officer:

ARREST WARRANT NUMBER

2020A4610200605

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2020-GS-46-02719

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JUNE 11, TERM 2020

THE STATE

VS.

GEORGE ROBERT LEACH, JR

INDICTMENT FOR

FAIL TO STOP FOR A BLUE LIGHT

SC Code: § 56-05-0750(B)(1)
CDR Code: 0065

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness

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DEC 02 2020

SC Court of Appeals

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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2020 NOV 24 AM 11:03
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

INDICTMENT

At a Court of General Sessions, convened on June 11, 2020, the Grand Jurors of York County present upon their oath:

FAIL TO STOP FOR A BLUE LIGHT

The defendant, -George Robert Leach Jr, did on or about April 2, 2020, in York County, while driving on a road, street, or highway of the state, fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light, all in violation of Section 56-05-0750(B)(1), 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.


MISTI H. SHELTON *Jessica M Russo*
ASSISTANT SOLICITOR

NOV 24 2020

COUNTY OF YORK
STATE VS.

JAIL

INDICTMENT/CASE#: 2020-GS-46-06243
A/W: 2020A4610201766
Date of Offense: 09/24/2020
S.C. Code §: 44-53-370
CDR Code #: 0185

GEORGE ROBERT LEACH, JR.
AKA: George Robert Leach, George R Jr Leach
Race: Black Sex: M Age: 37
DOB: SS#:
Address:
City, State, Zip:
DL# SID# SC00352713

ORIGINAL SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Possession of Heroin 3rd or Sub. Offense (NMT 5 YEARS &/OR \$10,000)

In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0178

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. COVID (def.'s initials)

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

ATTEST:

Jessica Russo 69399 COVID Defendant
Miss H. Shelton, Assistant Solicitor SC Bar # 74065 Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 58 days/months/years/or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ 4; provided that upon the service of 2 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service 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 SCDOD.
 The Defendant is to be placed on 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: Obtain GED

Set by SCDPPPS

Recipient:

*Fine: \$

§14-1-206 (Assessments 107.5%) \$

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§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

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

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

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

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

TOTAL \$ 275

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:

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SC Court of Appeals

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: David J. Hill

Judge Code: 2753

Sentence Date: 11-19-2020

STATE OF SOUTH CAROLINA

COUNTY OF YORK

CERTIFIED TRUE COPY INDICTMENT

2020 NOV 24 AM 11:04

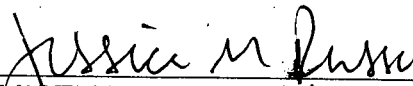
OF
DAVID HAMILTON
CLERK OF COURT

At a Court of General Sessions convened on January 7, 2021, the Grand Jurors of York County present upon their oath:

POSSESSION OF HEROIN

The defendant, George Robert Leach Jr, did on or about September 24, 2020, in York County, South Carolina, knowingly or intentionally possess heroin, a schedule I narcotic, all in violation of 44-53-370, 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.


MISTIE H. SHELTON *Jessica M. Russo*
ASSISTANT SOLICITOR

WITNESSES

YCSO

Witnessing Officer:

ARREST WARRANT NUMBER

2020A4610201766

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-46-06243

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 7, TERM 2021

THE STATE

VS.

GEORGE ROBERT LEACH, JR

INDICTMENT FOR

POSSESSION OF HEROIN

SC Code: § 44-53-370

CDR Code: 0178

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SC Court of Appeals

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

COUNTY OF YORK
STATE VS.

GEORGE ROBERT LEACH, JR

JAIL

INDICTMENT/CASE#: 2020-GS-46-06305
A/W: 52020A4620302203
Date of Offense: 09/11/2020
S.C. Code §: 56-05-0750(B)(2)
CDR Code #: 2396

AKA: George Robert Leach, George R Jr Leach
Race: Black Sex: M Age: 57
DOB: SS#
Address:
City, State, Zip:
DL# SID# SC00352713

ORIGINAL SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Failure To Stop For A Blue Light (NMT 5 YEARS)

In violation of § 56-05-0750(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2396

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury COVID (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Jessica M. Russo 100741 69395 COVID Defendant
Miss H. Shelton Assistant Solicitor SC Bar #
Attorney for Defendant 74065 SC Bar #

WHEREFORE, 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 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 Service 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 SCDOP.
The Defendant is to be placed on 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: Obtain GED

Set by SCDPPPS 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

Recipient:
*Fine: DEC 02 2020

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1)(Conv. Surcharge) \$100, §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, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$, TOTAL \$ 100

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SC Court of Appeals

2020 NOV 24 AM 11:03
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

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: [Signature]
Judge Code: 2753
Sentence Date: 11-19-2020

Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: Nadine Capps

STATE OF SOUTH CAROLINA

COUNTY OF YORK

CERTIFIED TRUE COPY
INDICTMENT
2020 NOV 24 AM 11:03

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on January 7, 2021, the Grand Jurors of York County present upon their oath:

FAILURE TO STOP FOR A BLUE LIGHT

The defendant, George Robert Leach Jr, did on or about September 11, 2020 in York County, while driving on a road street or highway of the State, fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light. All in violation of 56-05-0750(B)(2), 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.

MISTI H. SHELTON
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer:

ARREST WARRANT NUMBER

2020A4620302203

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

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DEC 02 2020
SC Court of Appeals

DOCKET NO. 2020-GS-46-06305

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 7, TERM 2021

THE STATE

VS.

GEORGE ROBERT LEACH, JR

INDICTMENT FOR

FAILURE TO STOP FOR A BLUE LIGHT

SC Code: § 56-05-0750(B)(2)
CDR Code: 2396

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.