

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

MIMI JOE MARSHALL,

APPELLANT

APPELLATE CASE NO 2017-002329

SUPPLEMENTAL RECORD ON APPEAL

RECEIVED
FEB 07 2019
SC Court of Appeals

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ATTORNEYS FOR APPELLANT

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY -9 PM 4:05
Court of General Sessions

Honorable Robert E. Hood

JEANNETTE M. McBRIDE
C.C.P. & G.S.

Case No. 2015 - GS - 40 - 06133

Case No. 2015 - GS - 40 - 06134

The State,.....Respondent,

v.

Mimi Joe Marshall.....Appellant.

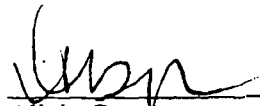
NOTICE OF APPEAL

Mimi Joe Marshall appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Robert E. Hood on November 2nd, 2017.

2015 - GS - 40 - 06133 : Murder

2015 - GS - 40 - 06134 : Felon in Possession of a Firearm

November 9th, 2017


Alicia Goode
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Attorney for Appellant

Other Counsel of Record:
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Columbia, South Carolina 29201
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY 2017 NOV -9 PM 4:05
Court of General Sessions

Honorable Robert E. Hood

JEANETTE W. MCBRIDE
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Case No. 2015 – GS – 40 – 06133

Case No. 2015 – GS – 40 - 06134

The State,.....Respondent,

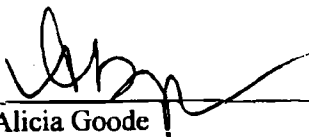
v.

Mimi Joe Marshall.....Appellant.

PROOF OF SERVICE

I hereby certify that a true copy of the Notice of Intent to Appeal in the above-referenced case has been served upon opposing counsel by delivering same this date to her office at the Office of the Solicitor, Fifth Judicial Circuit, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201.

November 9th, 2017


Alicia Goode
Richland County Public Defender's Office
P.O. Box 192
Columbia, S.C. 29201
(803) 765-2592
Attorney for Appellant

Other Counsel of Record:
Assistant Solicitor April Sampson
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Attorney for Respondent

WITNESSES

(S) Andrew Caldwell
- Richland County Sheriff

ARREST WARRANT NUMBER

2015A4010202585

ACTION OF GRAND JURY

TRUE BILL

Deann Gardner
For person of Grand Jury
Date DEC 15 2015

VERDICT

For person of Petit Jury
Date

DOCKET NO. 2015GS4006134

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

DECEMBER TERM 2015

91

**THE STATE
VS.**

Mimi Joe Marshall

**Indictment for
POSSESSION OF FIREARM OR
AMMUNITION BY PERSON CONVICTED OF
VIOLENT FELONY**

SC Code: 16-23-0500 (B)

CDR Code: 3434

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.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on DECEMBER ¹⁵, 2015,
 the Grand Jurors of Richland County present upon their oath:

POSSESSION OF FIREARM OR AMMUNITION BY PERSON

CONVICTED OF VIOLENT FELONY

That Mimi Joe Marshall did in Richland County on or about August 15, 2015, unlawfully possess a firearm or ammunition and has been convicted of a violent crime as defined under Section 16-1-60 that is classified as a felony offense: To wit: ASSAULT AND BATTERY WITH INTENT TO KILL. In violation of Section 16-23-50(A), 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.


 DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland
 STATE VS.
Mimi Joe Marshall

AKA: _____
 Race: BLACK Sex: M Age: 59

DL#: _____ SID#: _____
 *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Possession of firearm or Ammunition by person convicted of violent felony

in violation of § 16-23-0500 (B) of the S.C. Code of Laws, bearing CDR Code # 3434
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

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

ARREST: 15964 * Mimi Joe Marshall 100067
VSAMPSON, APRIL 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 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 State Department of Corrections.
☐ 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: \$ _____
§ 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 61.6 (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 \$ _____

Clerk of Court/ Deputy Jeanette W. McBride
 Court Reporter: Amber Zisk
 SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS4006134
 A/W#: 2015A4010202595
 Date of Offense: 8/15/2015
 S.C. Code § 16-23-0500 (B)
 CDR Code #: 3434

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

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
 payments of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

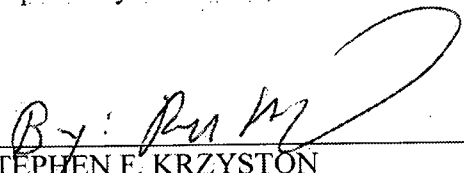
☐ Appointed PD or appointed other counsel, Re Hood
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge Re Hood
 Judge Code: 2164
 Sentence Date: 10/30/17

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

By: 
STEPHEN F. KRZYSTON
Assistant Public Defender

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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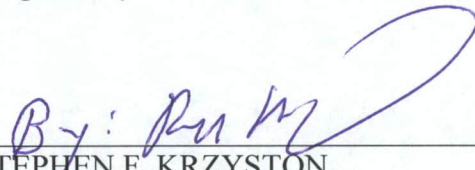
This 7th day of February, 2019.

ATTORNEYS FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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This 7th day of February, 2019.

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