

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS. Derrick Martino Miller

AKA:

Race: BLACK Sex: M Age: 46

DOB: SS#

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Domestic / Domestic violence of a high and aggravated nature (0 - 20 years)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS4203407

A/W#: 2019A2320501353

Date of Offense: 11/12/2019

S.C. Code § 16-25-0065(A)

CDR Code #: 3814

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Rec: 20 years // 10 - 15 years and 5 years probation

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-25-0065(A) of the S.C. Code of Laws, bearing CDR Code # 3814

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Jennifer E. Wells SCB69498 SC Bar# s/Derrick Miller Defendant s/Daniel J. MacDonald IV SCB102614 SC Bar# MacDonald IV, Daniel J. Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 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 15 days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5 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 SCDOC.

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: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. 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) \$18.75.

TOTAL \$ 643.75

Clerk of Court/ Deputy Clerk Amy D. Cox

Court Reporter: Amber Poyne

SCCA/217 (04/2018)

days/hours Public Service Employment

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: County with Victim Related to Domestic Violence

NO Contact with Victim

Anger Management

Mental Eval/Case Mgmt if needed

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:

Sentence Date: 11/6/21

422 days

Handwritten signatures and notes at the bottom right of the page.

WITNESSES

Greer Police Department

AA 6/12/20

ARREST WARRANT NUMBER

2019A2320501353

ACTION OF GRAND JURY

True Bill

JUN 12 2020

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

20-63-42-3407

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 15 2020

TERM

THE STATE
vs.

Derrick Martino Miller

Indictment for

DOMESTIC VIOLENCE OF A HIGH
AND AGGRAVATED NATURE

SC Code: 16-25-65

CDR Code: 3814

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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

JUN 12 2020

At a Court of General Sessions, convened on _____, the Grand Jurors of Spartanburg County present upon their oath:

DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

That Derrick Martino Miller, did, in Spartanburg County, on or about November 12, 2019, cause physical harm or injury or attempt to cause physical harm or injury to Hannah Michelle Foster, a household member, causing the victim to fear for her safety, to wit: by shooting the victim; and the defendant:

- (1) did commit the offense under circumstances manifesting extreme indifference to the value of human life and great bodily injury to the victim did result; or
- (2) did commit the offense, with or without an accompanying battery and under circumstances manifesting extreme indifference to the value of human life, and would reasonably cause a person to fear imminent great bodily injury or death;

In violation of Section 16-25-65, *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.

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s/ Jennifer E. Wells
Assistant Solicitor

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

SC Court of Appeals

Honorable J. Mark Hayes, Circuit Court Judge

Case No(s): 2020GS4203407

The State Respondent,
v.
Derrick Martino Miller Appellant.

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Derrick Martino Miller files this explanation of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable J. Mark Hayes on January 6, 2021. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

January 08, 2021



Daniel J. MacDonald
102614
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

Other Counsel of Record:

Jennifer Wells, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM THE SPARTANBURG COUNTY
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PROOF OF SERVICE

I certify that I served the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR, on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on January 08, 2021 addressed to its attorney of record, Jennifer Wells, Esq., Assistant Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

January 08, 2021



Daniel J. MacDonald
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Attorney for Appellant