

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )  
STATE OF SOUTH CAROLINA )  
Plaintiff, )  
v.. )  
MUANAH A. FORTUNE, )  
Defendant. )

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IN THE COURT OF GENERAL SESSIONS  
THE FIRST JUDICIAL CIRCUIT

**Indictment Nos.:** 2019-GS-18-0416;  
2019-GS-18-0417; 2019-GS-18-0418;  
2019-GS-18-0420; 2019-GS-18-0421


**RULE 203(B) EXPLANATION**

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SC Court of Appeals

Pursuant to Rule 203(B) (iv), the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of forty-five (45) upon the Appellant after the jury trial.

The undersigned does not have a good faith basis to believe that such an abuse occurred 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*, 430F.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 in behalf of his client, '" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully submitted,

By:   
Michelle R. Hubrich  
Assistant Public Defender  
107 West 6th North Street  
Summerville, SC 29483  
Attorney for Defendant  
(843) 821-9800

Summerville, South Carolina  
This 24th day of May, 2021

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dorchester
STATE VS.

INDICTMENT/CASE#: 2019GS18-0416
A/W#: 2019A1820500097
Date of Offense: 1/28/2019
S.C. Code § 16-3-10
CDR Code #: 0116

Muanah Aruna Fortune Jr

AKA:

Race: BLACK Sex: M Age: 23

DOB: SS#:

Address:

City, State, Zip: Seabrook, SC 29940-3655

DL#: SID#:

\*CDL  CMV  Hazmat

In disposition of the said indictment comes now the Defendant who was TO: Murder

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SC Court of Appeals

CONVICTED OF or  PLEADS

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116
 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.

ATTEST: Osborne, David L 101325 SC Bar# Hubrich, Michelle Rance SCB16947 SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 40 ~~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: 5-19-2021

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: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED  Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

\*Fine: \_\_\_\_\_ Substance Abuse Counseling  Random Drug/Alcohol testing  Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

§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 \$ \_\_\_\_\_
§50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_
3% to County (if paid in installments) \$ 3.75

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

TOTAL \$ 128.75

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

Clerk of Court/ Deputy Clerk Cathy Provost Presiding Judge Corey G. Smith
Court Reporter: \_\_\_\_\_ Judge Code: 2112
Sentence Date: 5-19-2021

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 30

COUNTY OF Dorchester
STATE VS. Muanah Aruna Fortune Jr

INDICTMENT/CASE#: 2019GS18-0417
A/W#: 2019A1820500099
Date of Offense: 1/28/2019
S.C. Code § 16-3-29
CDR Code #: 3410

AKA:
Race: BLACK Sex: M Age: 23
DOB: SS#:
Address:
City, State, Zip: Seabrook, SC 29940-3655
DL#: SID#:

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\*CDL CMV Hazmat
In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

CONVICTED OF or PLEADS

in violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45

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.

ATTEST: Osborne, David L 101325 Defendant Hubrich, Michelle Renee SCB16947
SC Bar# Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 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: 5-19-2021
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. Surchage) \$100, §14-1-211(A)(2) (DUI Surchage) \$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 Surchage) \$150, §50-21-114 (DUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$375. TOTAL \$128.75

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:

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

Clerk of Court/ Deputy Clerk: Ashley Graham
Court Reporter: Cathy Provo

Presiding Judge: Diane Scott
Judge Code: 2112
Sentence Date: 5-19-2021

STATE OF SOUTH CAROLINA

COUNTY OF Dorchester
STATE VS.
Muanah Aruna Fortune Jr
AKA:
Race: BLACK Sex: M Age: 23
DOB: SS#:
Address:
City, State, Zip: Seabrook, SC 29940-3655
DL#: SID#:

\*CDL  CMV  Hazmat 
In disposition of the said indictment comes now the Defendant who was
TO: Burglary - First Degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS18-0418
A/W#: 2019A1820500100
Date of Offense: 1/28/2019
S.C. Code §: 16-11-311
CDR Code #: 0079

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CONVICTED OF or  PLEADS SC Court of Appeals

in violation of § 16-11-311 of the S.C. Code of Laws, hearing CDR Code # 0079
 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.

ATTEST Osborne, David L 101325 SC Bar# Defendant
Hubrieh, Michelle Rance SCB16947 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committing  to the  State Department of Corrections,  County Detention Center,
for a determinate term of 40 ~~days~~ 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: 5-19-2021
 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: \$       
       days/hours Public Service Employment

Payment Terms:       
Obtain GED 
Attend Voc. Rehab. or Job Corp.       

Recipient:       
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:       

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 (DUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75. TOTAL \$128.75.

Clerk of Court/ Deputy Clerk        Presiding Judge Deane Star
Court Reporter:        Judge Code: 212
Sentence Date: 5-19-2021

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dorchester
STATE VS.
Muanah Aruna Fortune Jr
AKA:
Race: BLACK Sex: M Age: 23
DOB: SS#:
Address:
City, State, Zip: Seabrook, SC 29940-3655
DL#: SID#:
\*CDL  CMV  Hazmat

INDICTMENT/CASE#: 2019GS18-0420
A/W#: 2019A1820500102
Date of Offense: 1/28/2019
S.C. Code §: 16-23-490
CDR Code #: 0549

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MAY 27 2021

SC Court of Appeals

In disposition of the said indictment comes now the Defendant who was
TO: Possession of a Firearm or Knife During the Commission of a Violent Crime

CONVICTED OF or

PLEA

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549
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.
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: Osborne, David L 101325 SC Bar# Defendant
Hubrich, Michelle Renee SCB16947 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,
for a determinate term of 6 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: 5-19-2021

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: \$                   days/hours Public Service Employment

Payment Terms:          Obtain GED 
Attend Voc. Rehab. or Job Corp.         

Set by SCIDPPPS          May serve W/E beginning         

Recipient:          Substance Abuse Counseling

\*Fine:          Random Drug/Alcohol testing

§14-1-206 (Assessments 107.5 %)          Fine may be pd. in equal, consecutive weekly/monthly

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

§14-1-211(A)(2) (DUI Surcharge) \$100          \$          paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12          Other:         

§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         

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

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

3% to County (if paid in installments) 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk:          Presiding Judge:         
Court Reporter:          Judge Code: 21129
Sentence Date: 6-19-2021

STATE OF SOUTH CAROLINA )

COUNTY OF Dorchester )  
STATE VS. )

Muanah Aruna Fortune Jr )

AKA: \_\_\_\_\_ )

Race: BLACK Sex: M Age: 23 )

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_ )

Address: \_\_\_\_\_ )

City, State, Zip: Seabrook, SC 29940-3655 )

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_ )

\*CDL  CMV  Hazmat  )

In disposition of the said indictment comes now the Defendant who was  
TO: Ill Treatment of Animals in General, torture

IN THE COURT OF GENERAL SESSIONS; 80-  
Syan

INDICTMENT/CASE#: 2019GS18-0421

A/W#: 2019A1820500104

Date of Offense: 1/28/2019 - \_\_\_\_\_

S.C. Code § 47-1-40(B)

CDR Code #: 2804

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SC Court of Appeals

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 47-1-40(B) of the S.C. Code of Laws, bearing CDR Code # 2804  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC)  §17-25-45  
w/minor 1st or 1ewd 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.

ATTEST: \_\_\_\_\_ 101325 \_\_\_\_\_ SCB16947  
Osborne, David L SC Bar# Defendant Hubrich, Michelle Renee SC Bar#  
Attorney for Defendant

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 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: 5-19-2021

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: \$ \_\_\_\_\_ 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	\$ <u>100</u>
§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	\$ <u>25</u>
§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)		\$ <u>3.25</u>

TOTAL \$ 128.76

Clerk of Court/ Deputy Clerk \_\_\_\_\_  
Court Reporter: Cathy Probst

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: \_\_\_\_\_

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: 2112  
Sentence Date: 5-19-2021