

STATE OF SOUTH CAROLINA)
)
COUNTY OF UNION)
)
_____)
)
THE STATE)
)
vs-)
)
ANTAVIUS D'ARGO HILL)
)
Appellant.)
_____)

IN THE COURT OF APPEALS

Indictment No(s): 2021-GS-44-0757, 0755

Warrant #: 2019A4410100728, BURGLARY
2019A4410100726, POSS SCH ICS

RULE 203 (B) EXPLANATION

RECEIVED
AUG 30 2021
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 a sentence of eight (8) years, suspended upon service of 40 months (SCDC) and three (3) years' probation. The appellant pled guilty (NC vs. Alford) to Burglary 2nd degree and was sentenced by the Honorable Daniel D. Hall.

The Defendant also pled guilty to Possession of Ecstasy 1st offense and was sentenced to time served (522 days) by the Honorable Daniel D. Hall.

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,

Erik D. Delaney,
Public Defender, Union County, SC
P.O. Box 1
Union, South Carolina 29379
(864) 319-1315
Attorney for Brandy Wade Wilson.

Union, South Carolina
August 26, 2021

WITNESSES

Coffer/UCSO

DOCKET NO. 2021-GS-44-0755
Direct Indictment

The State of South Carolina

County of Union

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

Defendant

COURT OF GENERAL SESSIONS

JUNE 14 TERM, 2021

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

ARREST WARRANT NUMBER

DI2019A4410100728

Antavius Hill
Defendant

THE STATE

vs.

ANTAVIUS D'ARGO HILL

Witness:

Carly Gibson - Deputy Clerk
C.C.C. PLS AND G.S.

ACTION OF GRAND JURY

TRUE BILL

RECEIVED

AUG 30 2021

SC Court of Appeals

Foreperson of Grand Jury

Date: 6-10-21

JCY

VERDICT

**Indictment for
BURGLARY (BUILDING)**

SC Code: 16-11-312
CDR Code: 0086

A TRUE COPY

AUG 25 2021

Melanie L. Lawson
CLERK OF COURT

Foreperson of Petit Jury
Date:

WITNESSES

Vinson/UCSO

DOCKET NO. 2021-GS-44-0757

The State of South Carolina

County of Union

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

Defendant

COURT OF GENERAL SESSIONS

JUNE 14 TERM, 2021

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

ARREST WARRANT NUMBER
2019A4410100726

THE STATE

vs.

ANTAVIUS D'ARGO HILL

[Signature]
Defendant

ACTION OF GRAND JURY

Witness: *[Signature]*
C.C.C. PLS AND G.S.

TRUE BILL

TCV

RECEIVED

AUG 30 2021

SC Court of Appeals

Person of Grand Jury
Date: 6-10-21

VERDICT

Indictment for
POSSESSION OF SCHEDULE I
CONTROLLED SUBSTANCE

A TRUE COPY
AUG 25 2021
Melanie L. Lawson
CLERK OF COURT

SC Code: 44-53-370
CDR Code: 0179

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA
COUNTY OF UNION

IN THE COURT OF GENERAL SESSIONS

STATE VS.

INDICTMENT/CASE#: 2021-GS-44-0757

ANTAVIUS D'ARGO HILL
AKA: Antavius D Argo Hill
Race: B Sex: M Age: 24
DOB: SS#
Address:
City, State, Zip:
DL#* SID# SC02238409

A/W#: 2019A4410100726
Date of Offense: 11/12/2019
S.C. Code §: 44-53-370
CDR Code #: 0176

RECEIVED
AUG 30 2021
SC Court of Appeals

SENTENCE SHEET

NC v. Alford

CONVICTED OF or PLEADS

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

TO: Possession of Ecstasy 1st Offense (NMT 6 MONTHS &/OR \$1,000)

In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0179

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. (def.'s initials)

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

ATTEST:
John C. Anthony 7116 SC Bar # Deputy Solicitor
Antavio Hill Defendant
E. J. [Signature] Attorney for Defendant
#72550 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served 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.

The sentence shall run
 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 SCDO
days/months
 To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

TRUE COPY
AUG 25 2021
Marianne S. [Signature]
CLERK OF COURT

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp
- No Contact with Victim
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

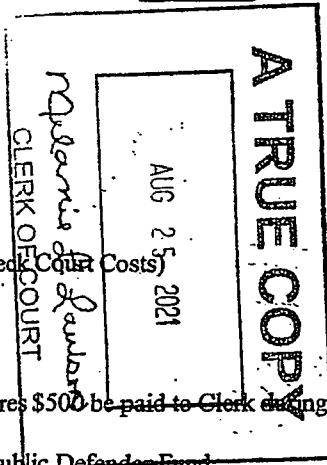
RESTITUTION Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$		
§14-1-206 (Assessments 107.5%)	\$100		\$ 100.00
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$
§14-1-211 (A)(2)(DUI Surcharge)	\$12		\$
§56-5-2995 (DUI Assessment)	\$25		\$
§56-1-286 (DUI Breath Test)	\$25		\$ 25.00
§14-1-212 (Law Enforce. Funding)	\$150		\$ 150.00
§14-1-213 (Drug Court Surcharge)	\$41		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50		\$
§50-21-114 (BUI Breath Test Fee)	\$40/ea		\$
§56-5-2942(J) (Vehicle Assessment)	TBD		\$ 8.25
3% to County (if paid in installments)	\$500		\$
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	TBD		\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund			



TOTAL \$ 283.25

[Signature]

Judge Code: 2753

Sentence Date: 8-19-21

Clerk of Court/Deputy Clerk: Anna Gibson

Court Reporter: DUR P

Presiding Judge:

Judge Code:

Sentence Date:

ARREST WARRANT

2019A4410100726

STATE OF SOUTH CAROLINA

County/ Municipality of

Union

THE STATE
against

SO-CR1900619

Antavius D'Argo Hill

Address:

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 7 Weight: 145
DL State: SC DL #: _____

Agency ORI #: SC0440000

Prosecuting Agency: Union County Sheriff

Prosecuting Officer: David R. Vinson - S00060

Offense: Drugs / Poss. of narc. in Schedule I(b),(c), LSD & Schedule II - 1st offense

Offense Code: 0176

Code/Ordinance Sec: 44-53-0370(c)

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 Antavius Hill

on 11-15-19

R. Eller
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
210 W. Main Street
P O Box 703
Union, SC 29379

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Union

Personally appeared before me the affiant David R. Vinson

being duly sworn deposes and says that defendant Antavius D'Argo Hill

did within this county and state on or about 11/14/2019

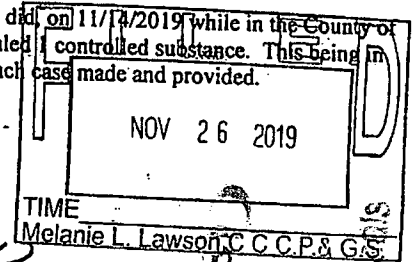
State of South Carolina (or ordinance of County/ Municipality of Union)

violate the criminal laws of the in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Poss. of narc. in Schedule I(b),(c), LSD & Schedule 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:

Did commit the crime of Possession of a Scheduled I Controlled Substance in that he did, on 11/14/2019 while in the County of Union, SC, have in his possession a quantity of MDMA/ECSTASY which is a scheduled controlled substance. This being in violation of Section 44-53-0370(C) of the S.C. Code of Laws, 1976, as amended in such case made and provided.



Signature of Affiant

David R. Vinson

STATE OF SOUTH CAROLINA

County/ Municipality of

Union

Affiant's Address 220 W. Main Street

Union, SC 29379-

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 11/14/2019

defendant Antavius D'Argo Hill

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Union)

DESCRIPTION OF OFFENSE: Drugs / Poss. of narc. in Schedule I(b),(c), LSD & Schedule 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 his execution, or as soon thereafter as is practicable. Sworn to and subscribed before me on 11/15/2019

on 11/15/2019

D. K. Morrow
Signature of Issuing Judge

(L.S.)

David Kevin Morrow
Judge Code: 7350

Judge's Address 210 West Main Street

Union, SC 29379-2206

Judge's Telephone (864)429-1648

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

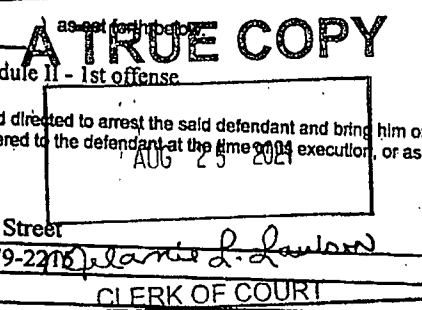
ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

RECEIVED
AUG 30 2019
SC Court of Appeals



BAIL set by

WITNESSES



Judge _____

on _____

Type and Amount: _____

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

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

STATE OF SOUTH CAROLINA

COUNTY OF UNION

STATE

VS.

ANTAVIUS D'ARGO HILL

AKA: Antavious D Argo Hill

Race: B Sex: M Age: 24

DOB: SS#

Address:

City, State, Zip:

DL#* SID# SC02238409

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021-GS-44-0755

A/W#: DI2019A4410100728

Date of Offense: 11/12/2019

S.C. Code §: 16-11-0312(B)

CDR Code #: 0086

SENTENCE SHEET

RECEIVED AUG 30 2021 SC COURT OF APPEALS

NC v. ALSO

CONVICTED OF or PLEAD

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: 2nd Degree Burglary (Building)

In violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

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. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State, 60 days + years + probation

ATTEST: John C. Anthony 7116 Deputy Solicitor, Antavious Hill Defendant, Paul Wiley Attorney for Defendant, #72550 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 8 days/months/years Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of 40 days/months/years Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run 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 SDOC. 522 days/months To include time spent on monitored house arrest prior to trial and sentencing

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

TRUE COPY AUG 25 2021 Melanie Johnson CLERK OF COURT

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. Or Job Corp
- Mental Health Counseling
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____
- Completion of GED
- No Contact with Victim
- May serve W/E beginning: _____
- Public Service Employment _____ days/hours
- Random Drug/Alcohol Testing
- Domestic Violence Intervention Program

RESTITUTION Deferred Def. Waives Hearing Ordered

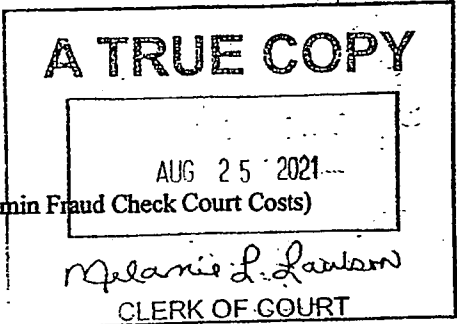
Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____ Beginning _____ \$ _____

§14-1-206 (Assessments 107.5%)	\$100	\$ 100.00
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$12	\$
§56-5-2995 (DUI Assessment)	\$25	\$
§56-1-286 (DUI Breath Test)	\$25	\$ 25.00
§14-1-212 (Law Enforce. Funding)	\$150	\$
§14-1-213 (Drug Court Surcharge)	\$41	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50	\$
§50-21-114 (BUI Breath Test Fee)	\$40/ea	\$
§56-5-2942(J) (Vehicle Assessment)	TBD	\$ 18.75
3% to County (if paid in installments)	\$500	\$ 500.00
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	TBD	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		



TOTAL \$ 643.75
 Judge Code: 2753
 Sentence Date: 8-19-21

Clerk of Court/Deputy Clerk: Amy Gibson
 Court Reporter: DCR P

Presiding Judge:
 Judge Code:
 Sentence Date:

ARREST WARRANT

2019A4410100728

STATE OF SOUTH CAROLINA

County/ Municipality of

Union

THE STATE
against

SO-CR1900619

Antavivus D'Argo Hill

Address:

Phone: _____
Sex: M Race: B Height: 5 7 Weight: 145
DL State: SC DL #: _____

Agency ORI #: SC0440000

Prosecuting Agency: Union County Sheriff

Prosecuting Officer: James S Coffey - S00041

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079
Code/Ordinance Sec: 16-11-0311

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 Antavivus Hill on 11-15-19

R. Elles
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
210 W. Main Street
P O Box 703
Union, SC 29379

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Union

Personally appeared before me the affiant James S Coffey

being duly sworn deposes and says that defendant Antavivus D'Argo Hill

did within this county and state on or about 11/12/2019

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

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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:

Did commit the crime of Burglary First Degree in that he did on 11/12/2019 enter the business of Brushy Fork Armory located at 4616 Jonesville Lockhart Hwy in Union County, SC during the night time hours with the intent to commit the crime of larceny. This being in violation of Section 16-11-0311 of the S.C. Code of Laws, 1976, as amended in such case made and provided.

RECEIVED
AUG 30 2021
SC Court of Appeals

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Union

Affiant's Address 220 W. Main Street
Union, SC 29379-

Affiant's Telephone _____

FILED
NOV 26 2019
TIME
Melanie L. Lawson C.C.C.P. & G.S.
CLERK OF COURT

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 11/12/2019 defendant: Antavivus D'Argo Hill

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Union) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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 11/15/2019

David Kevin Morrow
Signature of Issuing Judge (L.S.)

David Kevin Morrow
Judge's Code: 7350

Judge's Address 210 West Main Street
Union, SC 29379-2215

Judge's Telephone (864)429-1648

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ORIGINAL

AFFIDAVIT

who

violates the criminal laws of the

BAIL set by

WITNESSES



Judge _____

Name: _____

on _____

Address: _____

Type and Amount: _____

Telephone: _____

Name of Surety: _____

Name: _____

Address: _____

PRELIMINARY HEARING held by

Telephone: _____

Judge _____

Name: _____

on _____

Address: _____

Defendant Attorney: _____

Telephone: _____

Decision: _____

Name: _____

Address: _____

Telephone: _____

DISPOSITION before

Judge _____

Name: _____

on _____

Address: _____

by _____

Telephone: _____

(indicate jury trial, bench trial, plea, not pros., etc.)

Name: _____

Disposition: _____

Address: _____

Sentence: _____

Telephone: _____

JURORS

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS