

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Oct 01 2021

SC Court of Appeals

APPEAL FROM MARION COUNTY
Court of General Sessions

G. D. Morgan Jr., *Circuit Court Judge*

Case Number: 2021-GS-33-00073
2021-GS-33-00079
2021-GS-33-00083

FILED
2021 JUL 30 AM 11:15
MARION COUNTY SC
CHRISTY M. GRAY
CLERK OF COURT

The State,

Respondent,

v.

Zachir Devaugnte Shyhiim McCall,

Appellant.

NOTICE OF APPEAL

Zachir Devaugnte Shyhiim McCall appeals from his trial conviction to *Murder; Armed Robbery, & Possession of a Deadly Weapon During a Violent Crime* on July 22, 2021, and his sentence in this case imposed by The Honorable G. D. Morgan Jr..

This appeal is filed at the request of the appellant. There are no issues under Rule 203(B)(IV) SCACR which counsel can identify as a basis for this appeal.



Franklin D. Chandler

Resident Public Defender

221 North Main Street

Marion, SC 29571

(843) 423-3303

ATTORNEY FOR APPELLANT

Other counsel of record:

James Ryan White

Assistant Solicitor, 12th Judicial Circuit

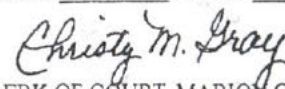
180 North Irby Street, MSC-Q

Florence, S. C. 29501

(843) 665-3091

A CERTIFIED COPY OF THE
ORIGINAL FILED IN THIS OFFICE

BOOK _____ PAGE _____



CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

[Faint, illegible handwriting]

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UNIVERSITY OF
CAMBRIDGE
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CAMBRIDGE CB2 3RQ
ENGLAND

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) **INDICTMENT NO.: 2021-GS-33-00073**
) **2021-GS-33-00079**
COUNTY OF MARION) **2021-GS-33-00083**

The State of South Carolina,)
)
 vs.)
)
)
)
 Zachir Devaugnte Shyhiim McCall)
)
 Appellant.)
 _____)

PROOF OF SERVICE

FILED
AUG 23 2021
11:03:39 AM
TWELFTH JUDICIAL CIRCUIT
MARION COUNTY, SOUTH CAROLINA

Due and legal service of the attached Notice of Intent to Appeal is hereby acknowledged and a copy retained for our file this 2nd day of August 2021.

James R. White by JRC
James Ryan White
Assistant Solicitor
Twelfth Judicial Circuit

STATE OF SOUTH CAROLINA)
COUNTY OF MARION)

The State of South Carolina,)

v.)

Zachir Devaugnte Shyhiim McCall)

Appellant.)
_____)


IN THE COURT OF GENERAL SESSIONS
INDICTMENT NO.: 2021-GS-33-00073
2021-GS-33-00079
2021-GS-33-00083

CERTIFICATE OF SERVICE

FILED
2021-08-02 11:10:39
CLERK OF COURT

The undersigned hereby certifies that on the 2nd of August, 2021, caused to serve a copy of the Notice of Intent to Appeal by hand delivering a copy of same, addressed as follows:

James Ryan White
Office of Solicitor
Box Q, City-County Complex
180 N. Irby Street
Florence, South Carolina 29501



William "Vick" Meetze
Deputy Public Defender
SC Bar No. 15871
Twelfth Judicial Circuit

SWORN TO and subscribed before me
This 2 day of August, 2021.



NOTARY PUBLIC IN AND FOR SC
My Commission Expires: 9-20-2027

VJG

STATE OF SOUTH CAROLINA)
COUNTY OF Marion)

IN THE COURT OF GENERAL SESSIONS

STATE)
VS.)

INDICTMENT/CASE#: 2021-GS-33-00079

Zachir Devaugnte Shyhiim Mccall)
AKA:)
Race: Black Sex: M Age: 24)
DOB: [REDACTED] SS#: [REDACTED])
Address: [REDACTED])
City, State, Zip: [REDACTED])
DL#* [REDACTED])

AW#: 2020A3310100141
Date of Offense: 4/5/2020
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10-30)

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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:

[Signature] 107584
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 10 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 _____ 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: 7/22/21

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. 441 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.

FILED
2021 JUL 23 PM 3:14
CHRISTOPHER GRAY
CLERK OF COURT

STATE VS. Zachir Devaugnte Shyhiim Mccall INDICTMENT/CASE#: 2021-GS-33-00079

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:**

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	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)			\$100	\$ _____
§56-5-2995 (DUI Assessment)			\$12	\$ _____
§56-1-286 (DUI Breath Test)			\$25	\$ _____
§14-1-212 (Law Enforce. Funding)			\$25	\$ _____
§14-1-213 (Drug Court Surcharge)			\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)			\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)			\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)			\$40/ea	\$ _____
3% to County (if paid in installments)			TBD	\$ _____
<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			\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund			TBD	\$ _____
			TOTAL	\$ _____

Clerk of Court/Deputy Clerk: Christina Weaver
 Court Reporter: _____

Presiding Judge: [Signature]
 Judge Code: 2773
 Sentence Date: 7/22/21

Wol

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Marion)
)
 STATE)
)
 VS.)
)
Zachir Devaugnte Shyhiim Mccall)
)
 AKA:)
)
 Race: Black Sex: M Age: 24)
)
 DOB: [REDACTED] SS#: [REDACTED])
)
 Address: [REDACTED])
)
 City, State, Zip: [REDACTED])
)
 DL#* [REDACTED])
)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021-GS-33-00073
 A/W#: 2020A3310100143
 Date of Offense: 4/5/2020
 S.C. Code §: 16-03-0010; 16-03-0020
 CDR Code #: 0116

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Murder / Murder (30 - Life)

In violation of § 16-03-0010; 16-03-0020 the S.C. Code of Laws, bearing CDR Code # 0116

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:
 [Signature] 102584
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 35 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 _____ 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: July 22, 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. 441 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.

FILED
 2021 JUL 23 PM 3:13
 MARION COUNTY SC
 CHRISTY M. GRAY
 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:**

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	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)			\$100	\$ _____
§56-5-2995 (DUI Assessment)			\$12	\$ _____
§56-1-286 (DUI Breath Test)			\$25	\$ _____
§14-1-212 (Law Enforce. Funding)			\$25	\$ _____
§14-1-213 (Drug Court Surcharge)			\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)			\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)			\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)			\$40/ea	\$ _____
3% to County (if paid in installments)			TBD	\$ _____
<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			\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund			TBD	\$ _____
		TOTAL		\$ _____

Clerk of Court/Deputy Clerk: Christy M. Gray
 Court Reporter: Cynthia Weaver

Presiding Judge: [Signature]
 Judge Code: 2773
 Sentence Date: 7/22/21

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STATE OF SOUTH CAROLINA)
COUNTY OF Marion)

IN THE COURT OF GENERAL SESSIONS

STATE)
VS.)

INDICTMENT/CASE#: 2021-GS-33-00083

Zachir Devaugnte Shyhiim Mccall)
AKA:)
Race: Black Sex: M Age: 24)
DOB: [REDACTED] SS# [REDACTED])
Address: [REDACTED])
City, State, Zip: [REDACTED])
DL#* [REDACTED])

AW#: 2020A3310100142)
Date of Offense: 4/5/2020)
S.C. Code §: 16-23-0490)
CDR Code #: 0549)

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death (0-5)

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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:
[Signature] 102584
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,
for a determinate term of 5 days/months/0 years/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: 7/22/21
 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.
441 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.

FILED
2021 JUL 23 PM 3:13
MARION COUNTY SC
CHRISLY M. GRAY
CLERK OF COURT

STATE VS. Zachir Devaugnte Shyhiim Mccall INDICTMENT/CASE#: 2021-GS-33-00083

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%)			\$ _____
§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		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ _____
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§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ _____
<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	\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ _____
	TOTAL		\$ _____

Clerk of Court/Deputy Clerk: Christy M. Gray
 Court Reporter: Cynthia Weaver

Presiding Judge: [Signature]
 Judge Code: 2773
 Sentence Date: 7/22/21