

30 life

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)

IN THE COURT OF GENERAL SESSIONS

STATE)
VS.)
Donovan Tirrell Brannon)

INDICTMENT/CASE#: 2016 - GS - 32 - 00492

AKA:)
Race: Black Sex: M Age: 33)
DOB: SS#:)
Address:)
City, State, Zip:)
DL#* SID#)

AW#: 2015A3210200941
Date of Offense: 6/6/2015
S.C. Code §: 16-03-0010
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

In violation of § 16-03-0010 of 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] 72860
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 34 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:

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.
22 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.

RECEIVED

JAN 06 2022

SC Court of Appeals

STATE VS. Donovan Tirrell Brannon INDICTMENT/CASE#: 2016 - GS - 32 - 00492

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: Lisa Ornelas Presiding Judge: Walsh
 Court Reporter: Overn Judge Code: 2765
 Sentence Date: 11-19-2021

RECEIVED
 JAN 06 2022
 SC Court of Appeals

0-30

STATE OF SOUTH CAROLINA)
 COUNTY OF Lexington)
 STATE)
 VS.)
Donovan Tirrell Brannon)
 AKA:)
 Race: Black Sex: M Age: 33)
 DOB:) SS#:)
 Address:)
 City, State, zip:)
 DL#*) SID#)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016 - GS - 32 - 00493

AW#: 2015A3210200942
 Date of Offense: 6/6/2015
 S.C. Code §: 16-03-0029
 CDR Code #: 3410

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 / Attempted Murder

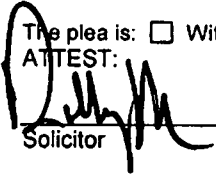
In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

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:



72860

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 30 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: _____

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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: Lisa Brown
Court Reporter: B. O'Leary

Presiding Judge: Walsh
Judge Code: 2765
Sentence Date: 11-19-2021

January 4, 2022

Re: Donovan Tirrell Brannon

My name is Myra Counts, I am Senior Court Assistant for General Sessions in Lexington County. This affidavit is to confirm that I have search our records several times for an order for the above named defendant for his attorney on records Theo Williams. He has come in person and called inquiring on this order after the trial held on 11-19-2021. To my knowledge our office has not emailed or mailed this document to Mr. Williams. I found the order denying motion for new trial today.

Sworn to before
me this 4th day of
January 2022
Joyce H Frick
Notary
my Commission expires
Sept. 5, 2027

Myra Counts

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

FILED

2021 DEC 14 PM 4:41

IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT

The State,

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

Indictment Nos.: 2016GS3200492
2016GS3200493

vs.

Donovan Tirrell Brannon,

**ORDER DENYING MOTION
FOR NEW TRIAL**

Defendant.

This matter comes before this Court on Defendant's Motion for New Trial filed on November 24, 2021. On Friday, November 19, 2021, a Lexington County jury found Defendant guilty of Murder and Attempted Murder. Murder and Attempted Murder are both violent and most serious offenses under South Carolina Law. Following the verdict, victim impact statements, and Defendant's mitigation presentation, Donovan Tirrell Brannon was sentenced to thirty-four (34) years for Murder and thirty (30) years for Attempted Murder. Both sentences will run concurrently.

On November 24, 2021, Defendant timely filed a substantive Motion for New Trial based on the denial of Defendant's motions for directed verdicts. Defendant argues the court erred in denying his directed verdict motions on the indictments of Murder and Attempted Murder. Specifically, Defendant contends that the State did not provide sufficient evidence to meet each element of the offenses charged. On December 10, 2021, the State filed a memorandum in opposition to the Defendant's Motion for a New Trial. The State argued that under the "hand of one" theory, they provided an overwhelming amount of evidence tending to prove the Defendant guilty of Murder and Attempted Murder. As to the indictment for Murder, the State argues they presented evidence at trial supporting the "hand of one" theory, specifically, they provided evidence at trial that the Defendant and two other individuals fired shots at the victim, William

A TRUE COPY


Lisa M. Comer
Lex. Co. C.C.C.P., G.S. & F.C.

Gantt, which resulted in his death. The State further contends that regardless of which shot caused Gantt's death, because they were acting in concert, the act of one was the act of all. As for the indictment for Attempted Murder, the State maintains they provided evidence that the Defendant had the specific intent to kill the victims and others in their group. They cited to testimony introduced at trial about threatening remarks made by the Defendant in the moments proceeding the shooting.

In light of all the facts and circumstances, and in reviewing the record, this Court finds there was both direct and circumstantial evidence introduced at trial justifying the verdict of the jury. Subsequently, this Court finds there is an insufficient basis for a new trial on the grounds made in Defendant's motion or any other grounds. In addition, this Court finds that Defendant's Motion for New Trial is appropriately adjudicated and without the need for oral argument pursuant to Rule 29(a), SCRCrimP.

THEREFORE, this court DENIES Defendant's Motion for New Trial.

AND IT IS SO ORDERED.


Walton J. McLeod, IV
Presiding Judge
Eleventh Judicial Circuit

Lexington, South Carolina

December 17, 2021