

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )  
STATE OF SOUTH CAROLINA )  
V. )  
DEMETRUS MCCLARY )  
DEFENDANT )

IN THE COURT OF GENERAL SESSIONS  
OF THE FIFTEENTH JUDICIAL CIRCUIT

NOTICE OF SUBSTITUTION  
OF COUNSEL  
PUBLIC DEFENDER TO PUBLIC DEFENDER

NEW ATTORNEY:  
Eric Fox

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

File No. 26A18-00001913

To: Court of General Sessions of the Fifteenth Judicial Circuit  
Office of the Solicitor  
Appointed Counsel  
Defendant

Please be advised that Sharde Crawford, Public Defender for the above named defendant in the above-captioned matter has been replaced by Eric Fox, Public Defender:

**RECEIVED**

MAY 20 2022

Eric Fox  
203 Laurel Street  
P.O. Box 1666  
Conway, SC 29526  
Phone: 843-915-5385  
Fax: 843-915-6385

SC Court of Appeals

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC  
2022 JAN - 1 A 9 29  
HORRY COUNTY

On the offense(s) listed below:

- 2018A2620600813 Burglary / Burglary (After June 20, 1985) First degree
- 2018A2620600814 Kidnapping / Kidnapping
- 2018A2620600812 Assault / Assault & Battery of a High & Aggravated Nature
- 2018A2620600815 Sex / Assault with intent to commit criminal sexual conduct - First degree
- 2018A2620600816 Sex / Criminal sexual conduct - Third degree

Respectfully Submitted,

Conway, South Carolina

RONALD W. HAZZARD  
CIRCUIT PUBLIC DEFENDER  
203 Laurel St.  
P.O. Box 1666  
Conway, South Carolina 29526

January 04, 2022

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )  
 )

IN THE COURT OF GENERAL SESSION  
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )  
-VS- )  
 )

NOTICE AND MOTION FOR PRODUCTION  
OF SPECIFIC EVIDENCE AND  
DISCLOSURE OF WITNESSES

DEMETRUS L. MCCLARY )  
DEFENDANT )  
 )

FILE NO: 26A18-00001913

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
  - (a) All tangible objects obtained from the scene of the crime; and
  - (b) All tangible objects obtained from the State's witnesses in this case
  - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
  - (a) Analysis of handwriting
  - (b) Photographs secured of the scene of the crime
  - (c) Comparison of fingerprints
8. Make available any facts which tend to exculpate the Defendant.

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HORRY COUNTY  
2018 MAY - 8 AM 9:09  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY  
HORRY COUNTY

9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.

10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.

11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.

12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

13. Make available to the Defendant all video and audio recordings or notated affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses
- (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make us of, at trial.
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

2018 MAY 9 AM 9:09  
HON. JUDGE J. E. HARRIS  
CLERK OF COURT  
HOLLYWOOD COUNTY, SOUTH CAROLINA  
RENEWED  
CERTIFIED COPY

- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine, either before, during, or after the admission of a test.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 406 (1981), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E.2d 879 (2007). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.

WHEREFORE, Defendant prays:

- (a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,



ORRIE E. WEST  
FIFTEENTH CIRCUIT  
PUBLIC DEFENDER

DATED: May 04, 2018  
CONWAY, SOUTH CAROLINA

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

FILED  
HORRY COUNTY, SC  
2018 MAY - 8 AM  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

ARREST WARRANT

2018A2620600812

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE 18-004971

against

Demetrus Lawon McClary

Address:

Phone: SSN:

Sex: M Race: B Height: 5 9 Weight: 145

DL State: SC DL #:

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: Justin E Amos - S00379

Offense: Assault / Assault & Battery of a High & Aggravated Nature

Offense Code: 3411

Code/Ordinance Sec: 16-03-0600(B)(1)

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 Demetrus McClary on 3-21-18

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

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STATE OF SOUTH CAROLINA County/ Municipality of Myrtle Beach

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 516

Personally appeared before me the affiant Justin E Amos who being duly sworn deposes and says that defendant Demetrus Lawon McClary did within this county and state on or about 3/20/2018 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery of a High & Aggravated Nature

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:

On the 3-20-18 officers of the MBPD responded to room 405 of the Sheraton Convention Center Hotel located at 2101 N. Oak St. in the City of Myrtle Beach in reference to a reported assault. The investigation, including post-Miranda interviews with the Defendant, revealed that the Defendant did unlawfully enter room 405 as it was being cleaned. Once inside of the room he physically assaulted a the victim who was cleaning the room. The Defendant placed a cloth over the victim's face then struck the victim in the head with his fist which caused her to fall to the ground. During this ongoing attack the Defendant strangled the victim and beat her repeatedly in the body and face which created a substantial risk of death. The victim was forcibly confined to the room during the attack and was unable to escape. During this attack the Defendant grabbed the victim's shirt twice in what she believed to be an attempt to sexually assault her.

Signature of Affiant

Amos 7689

STATE OF SOUTH CAROLINA County/ Municipality of Myrtle Beach

Affiant's Address 1101 Oak Street Myrtle Beach, SC 29577-

Affiant's Telephone

RECEIVED MAY 20 2022 SC Court of Appeals

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 3/20/2018 defendant Demetrus Lawon McClary did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery of a High & Aggravated Nature

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 3/21/2018

(L.S.)

Signature of Issuing Judge William Frontz Judge Code: 8194

Judge's Address 1101 Oak Street Myrtle Beach, SC 29577-

Judge's Telephone (843)918-1356

Issuing Court: Magistrate Municipal Circuit

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ARREST WARRANT

2018A2620600813

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE

18-004971

against

Demetrus Lawon Mcclary

Address:

Phone: SSN:

Sex: M Race: B Height: 5 9 Weight: 145

DL State: SC DL #:

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: Justin E Amos - S00379

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 Demetrus McClary on 3-21-18

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

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STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant Justin E Amos who

being duly sworn deposes and says that defendant Demetrus Lawon Mcclary

did within this county and state on or about 3/20/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

in the following particulars:

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:

On the 3-20-18 officers of the MBPD responded to room 405 of the Sheraton Convention Center Hotel located at 2101 N. Oak St. in the City of Myrtle Beach in reference to a reported assault. The investigation, including post-Miranda interviews with the Defendant, revealed that the Defendant did unlawfully enter room 405 as it was being cleaned. Once inside of the room he physically assaulted a the victim who was cleaning the room. The Defendant placed a cloth over the victim's face then struck the victim in the head with his fist which caused her to fall to the ground. During this ongoing attack the Defendant strangled the victim and beat her repeatedly in the body and face which created a substantial risk of death. The victim was forcibly confined to the room during the attack and was unable to escape. During this attack the Defendant grabbed the victim's shirt twice in what she believed to be an attempt to sexually assault her.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

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 3/20/2018 defendant Demetrus Lawon Mcclary

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

County/ Municipality of Myrtle Beach) 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 3/21/2018

Signature of Issuing Judge (L.S.) Judge's Address 1101 Oak Street

William Frantz Myrtle Beach, SC 29577-

Judge Code: 8194 Judge's Telephone (843)918-1356

Issuing Court: Magistrate Municipal Circuit

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RECEIVED COURT OF APPEALS MAY 20 2022

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

ARREST WARRANT

2018A2620600814

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE 18-004971

against

Demetrus Lawon Mcclary

Address:

Phone: SSN:

Sex: M Race: B Height: 5 9 Weight: 145

DL State: SC DL #:

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: Justin E Amos - S00379

Offense: Kidnapping / Kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

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 Demetrus McClary on 3/21/18

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

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STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant Justin E Amos who

being duly sworn deposes and says that defendant Demetrus Lawon Mcclary

did within this county and state on or about 3/20/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

in the following particulars:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

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:

On the 3-20-18 officers of the MBPD responded to room 405 of the Sheraton Convention Center Hotel located at 2101 N. Oak St. in the City of Myrtle Beach in reference to a reported assault. The investigation, including post-Miranda interviews with the Defendant, revealed that the Defendant did unlawfully enter room 405 as it was being cleaned. Once inside of the room he physically assaulted a the victim who was cleaning the room. The Defendant placed a cloth over the victim's face then struck the victim in the head with his fist which caused her to fall to the ground. During this ongoing attack the Defendant strangled the victim and beat her repeatedly in the body and face which created a substantial risk of death. The victim was forcibly confined to the room during the attack and was unable to escape. During this attack the Defendant grabbed the victim's shirt twice in what she believed to be an attempt to sexually assault her.

Signature of Affiant

J. Amos 7689

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Affiant's Telephone

RECEIVED MAY 20 2022 SC Court of Appeals

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 3/20/2018 defendant Demetrus Lawon Mcclary

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

County/ Municipality of Myrtle Beach) as set forth below:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

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 3/21/2018

Signature of Issuing Judge (L.S.)

William Frontz

Judge Code: 8194

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577

Judge's Telephone (843)918-1356

Issuing Court: Magistrate Municipal Circuit

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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

RECEIVED

COUNTY OF Horry

MAY 20 2022

STATE

INDICTMENT/CASE#: 2018GS2604177

VS.

SC Court of Appeals

Demetrus Lawon Mcclary

AKA: \_\_\_\_\_ )  
 Race: BLACK Sex: M Age: 23 )  
 DOB: \_\_\_\_\_ SS#: \_\_\_\_\_ )  
 Address: \_\_\_\_\_ )  
 City, State, Zip: \_\_\_\_\_ )  
 DL#: \_\_\_\_\_ SID#: SC02243794 )

A/W#: 2018A2620600812  
 Date of Offense: 3/20/2018  
 S.C. Code §: 16-03-0600(B)(1)  
 CDR Code #: 3411

SENTENCE SHEET

ORIGINAL COPY

\*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: Assault / Assault & Battery of a High & Aggravated Nature Up to 20 yrs

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45

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] SC103036  
 \_\_\_\_\_ SC Bar # Defendant  
 Walter, Mary-Ellen

[Signature] Fox, J. \_\_\_\_\_ SC Bar#  
 Attorney for Defendant

RECEIVED  
 CLERK OF COURT  
 HORRY COUNTY, SC  
 FILED  
 HORRY COUNTY  
 022 MAY 3 P 5:24

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

for a determinate term of 20 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. 1514 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.

**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: \_\_\_\_\_

RENEEN N. ELVIS  
 CLERK OF COURT  
 Horry County, SC  
 FILED COPY

**RESTITUTION:**     **Deferred**     **Def. Waives Hearing**     **Ordered**

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

Payment Terms: \_\_\_\_\_  Set by SCDPPS

Recipient: \_\_\_\_\_

**\*Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 4/13/2022

§14-1-206 (Assessments 107.5 %)	\$100	\$100.00
§14-1-211(A)(1) (Conv. Surcharge)	\$24	\$24.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$100.00
§56-5-2995 (DUI Assessment)	\$12	\$12.00
§56-1-286 (DUI Breath Test)	\$25	\$25.00
§14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$41.00
§50-21-114(BUI Breath Test Fee)	\$50	\$50.00
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$40.00
3% to County (if paid in installments)	TBD	\$3.75
<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	\$500.00
<input checked="" type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$40.00
<b>TOTAL</b>		<b>\$168.75</b>

RENEEN N. ELVIS  
 CLERK OF COURT  
 Horry County, SC  
 FILED  
 Horry County  
 2022 MAY 13 9:24 AM

Clerk of Court/ Deputy Clerk: Renée N. ELVIS  
 Court Reporter: Bobbi Fisher

Presiding Judge: N. Steven DeBerry  
 Judge Code: 2771  
 Sentence Date: 5/13/2022

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

MAY 20 2022

STATE

SC Court of Appeals

INDICTMENT/CASE#: 2018GS2604178

VS.

Demetrus Lawon Mcclary

AW#: 2018A2620600813

AKA: \_\_\_\_\_  
Race: BLACK Sex: M Age: 23

Date of Offense: 3/20/2018

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

S.C. Code §: 16-11-0312(B)

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

CDR Code #: 0086

City, State, Zip: \_\_\_\_\_

DL#: \_\_\_\_\_ SID#: SC02243794

RENEE M. ELVING  
CLERK OF COURT  
HORRY COUNTY, SC  
SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: Burglary, 2nd Degree, Violent (after 06/20/85) Up to 15 years

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.

ATTEST:

Water, Mary-Ellen SC103036

SCB15123

Water, Mary-Ellen SC Bar # \_\_\_\_\_ Defendant

Fox, J. Eric  
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/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: 2018GS2604179

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

1514 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.

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HORRY COUNTY, SC

**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 0 \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

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 CLERK OF COURT  
 Horry County, SC

- 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	\$ <u>25.00</u>	Beginning	<u>6/13/2022</u>	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)				\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)				\$ <u>100</u>
§56-5-2995 (DUI Assessment)				\$ <u>12</u>
§56-1-286 (DUI Breath Test)				\$ <u>25</u>
§14-1-212 (Law Enforce. Funding)				\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)				\$ <u>25.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)				\$ <u>41</u>
§50-21-114(BUI Breath Test Fee)				\$ <u>50</u>
§56-5-2942(J) (Vehicle Assessment)				\$ <u>40/ea</u>
3% to County (if paid in installments)				TBD \$ <u>3.75</u>
<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.				\$ <u>500</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund				TBD \$ _____
<b>TOTAL</b>				\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: Renee N ELVIS  
 Court Reporter: Bobbi Fisher

Presiding Judge: N SA [Signature]  
 Judge Code: 2771  
 Sentence Date: 5/13/2022

STATE OF SOUTH CAROLINA

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IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

MAY 20 2022

STATE

VS.

SC Court of Appeals

INDICTMENT/CASE#: 2018GS2604179

Demetrus Lawon Mcclary

AKA: \_\_\_\_\_ )  
Race: BLACK Sex: M Age: 23 )  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_ )  
Address: \_\_\_\_\_ )  
City, State, Zip: \_\_\_\_\_ )  
DL#: \_\_\_\_\_ SID#: SC02243794 )

A/W#: 2018A2620600814  
Date of Offense: 3/20/2018  
S.C. Code §: 16-03-0910  
CDR Code #: 0095

SENTENCE SHEET

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\*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: Kidnapping Up to 30 yrs

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

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:

Walter, Mary-Ellen SC103036  
Walter, Mary-Ellen SC Bar # Defendant

Fox, J. Eric SC Bar#  
Attorney for Defendant

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: 2018GS2604178

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.  
1514 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.

**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 0 \_\_\_\_\_ 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	\$ <u>25.00</u>	Beginning	<u>6/13/2022</u>	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)				\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)				\$ _____
§56-5-2995 (DUI Assessment)				\$ _____
§56-1-286 (DUI Breath Test)				\$ _____
§14-1-212 (Law Enforce. Funding)				\$ _____
§14-1-213 (Drug Court Surcharge)				\$ <u>25.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)				\$ _____
§50-21-114(BUI Breath Test Fee)				\$ _____
§56-5-2942(J) (Vehicle Assessment)				\$ _____
3% to County (if paid in installments)				\$ <u>3.75</u>
<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.				\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund				\$ _____
<b>TOTAL:</b>				\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: Renee N. Elvis  
 Court Reporter: Bobbi Fisher

Presiding Judge: XI SA DOR 5  
 Judge Code: 2771  
 Sentence Date: 5/13/2022

RENE E. N. ELVIS  
 CLERK OF COURT  
 HORRY COUNTY, SC  
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STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

IN THE COURT OF GENERAL SESSIONS  
IN THE FIFTEENTH JUDICIAL CIRCUIT

The State of South Carolina, )

Case No.: 2018-GS-26-4177  
2018-GS-26-4178  
2018-GS-26-4179  
2018-GS-26-4180

vs. )

VERDICT FORM

Demetrus Lawon McClary, )

Defendant. )

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MAY 20 2022

SC Court of Appeals

RENEEN H. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

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1. As to the charge of Assault and Battery of a High and Aggravated Nature, we, the jury, unanimously find the Defendant

- Guilty
- Not Guilty

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(If you answer Not Guilty to question 1 you may consider question 2, if you answer Guilty to question 1, proceed to question 4)

2. As to the charge of Assault and Battery in the First Degree, we, the jury, unanimously find the Defendant

- Guilty
- Not Guilty

(If you answer Not Guilty to question 2 you may consider 3, if you answer Guilty to question 1, proceed to question 4)

3. As to the charge of Assault and Battery in the Second Degree, we, the jury,  
unanimously find the Defendant

- Guilty
- Not Guilty

RENEE N. ELVIS  
CLERK OF COURT  
Horry County, SC

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(Move on to question 4)

4. As to the charge of Burglary in the First Degree, we, the jury, unanimously find  
the Defendant

- Guilty
- Not Guilty

(If you answer Not Guilty to question 4 you may consider question 5, if you answer  
Guilty to question 4, proceed to question 6,)

5. As to the charge of Burglary in the Second Degree, we, the jury, unanimously find  
the Defendant

- Guilty
- Not Guilty

(Move on to question 6)

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Horry County, SC

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Horry County

6. As to the charge of Kidnapping, we, the jury, unanimously find the Defendant

- Guilty
- Not Guilty

(Move on to question 7)

RENEE N. ELVIS  
CLERK OF COURT  
Horry County, SC

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7. As to the charge of Assault with Intent to Commit Criminal Sexual Conduct, we, the jury, unanimously find the Defendant

- Guilty
- Not Guilty

Dated: 5-13-22

Aver Watts  
Foreperson

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2022 MAY 13 A 8:53  
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Horry County, SC