

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

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**RECEIVED**

**Aug 22 2022**

**SC Court of Appeals**

APPEAL FROM LANCASTER COUNTY  
Court of General Sessions

William Angus McKinnon, Sixteenth Judicial Circuit Judge

Case No. 2005-GS-29-370  
2019-GS-29-2850;  
2022-GS-29-772

The State,

Manly Thompson

\_\_\_\_\_  
V.

Respondent,

Appellant.

\_\_\_\_\_  
Petition  
\_\_\_\_\_

COMES now the appellant pursuant to rule 221 (A), SCACR by and through his undersigned counsel and respectfully moves this court for an order reinstating Manly Thompson appeal. On the 17<sup>th</sup> day of August 2022, the clerk for The South Carolina Court of Appeals filed an order dismissing the appeal. Appellants appeal is meritorious and was untimely due to inadvertence.

WHEREFOR appellant prays that his petition will be granted.

s/Hemphill P. Pride II

Hemphill P. Pride II

Post Office Box 4529

Columbia, South Carolina 29240

(803) 256-8015

Attorney for Appellant

JUL 27 PM 2:25

STATE OF SOUTH CAROLINA )  
COUNTY OF LANCASTER, SC )  
CLERK OF COURT IN THE COURT OF GENERAL SESSIONS  
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )  
v. )

**MOTION FOR NEW TRIAL**

Case No. 2005-GS-29-370  
2019-GS-29-2852;  
2022-GS-29-772

MANLY MAURICE THOMPSON, )  
Defendant. )

COMES now the defendant, by and through its undersigned counsel, and respectfully move this court for a new trial on the basis that the court error by not allowing the testimony of Seth Thompson July 14, 2022.

**LAW OFFICE  
OF  
HEMPHILL P. PRIDE II, LLC**



Hemphill P. Pride II, Esquire  
Post Office Box 4529  
Columbia, South Carolina 29240  
Telephone: (803) 256-8015  
Fax: (803) 771-8014  
E-mail address: [hpride@bellsouth.com](mailto:hpride@bellsouth.com)

**ATTORNEY FOR DEFENDANT**

Columbia, South Carolina

July 21, 2022.

STATE OF SOUTH CAROLINA )  
COUNTY OF   Lancaster   )

IN THE COURT OF GENERAL SESSIONS  
  6   JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA )  
vs. )

**AFFIDAVIT OF INDIGENCY  
AND  
APPLICATION FOR COUNSEL**  
(Defense of Indigency Act, Form No.2)

  Marilyn Marissa Thompson   )

CRIMINAL CHARGING DOCUMENT NO.   20190902852  

NAME OF APPLICANT	<u>  Marilyn Marissa Thompson  </u>
ADDRESS	<u>  Columbia  </u>
TELEPHONE NUMBER(S)	<u>  803-283-2084  </u>
DATE OF BIRTH	<u>  11-1-75  </u>
SOCIAL SECURITY NO.	<u>  299-49-2459  </u>
NAMES OF CO-DEFENDANTS	<u>  None  </u>

1. Are you presently employed? Yes  No

a. If "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If "no", state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

2. Include employment information for the spouse, if applicable.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If the spouse is not currently employed, state the name and address of last employment, date of termination of employment, and amount of salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

3. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support.

NAME	AGE	RELATIONSHIP	AMOUNT OF SUPPORT

4. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes  No
- b. Rent payments, interest or dividends? Yes  No
- c. Pensions, annuities or life insurance payments? Yes  No
- d. Gifts or inheritances? Yes  No
- e. Any other sources? Yes  No

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

SOURCE OF MONEY	AMOUNT

5. Do you own cash, or do you have any money in a checking or savings account?

Yes  No

If the answer is "yes", state the total amount of the cash owned. 2,000.00

6. Do you own any real estate, stocks, bonds, notes, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes  No

If the answer is "yes", describe the property and state the appropriate value of the items owned.

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7. What kind of motor vehicle do you own? N30

Is it paid for? Yes  No

If not, what are the payments? \_\_\_\_\_

8. How much do you owe (on liens, mortgages, other encumbrances or debts)? \_\_\_\_\_

I do solemnly swear that the account by me delivered into this court with my application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was, in any respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the cost of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand that such claim shall be filed in the office of the Clerk of Court in the county where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the court, part of all of such claim is reduced to judgment by appropriate order of the court after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that, pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Clerk of Court for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This 15<sup>th</sup> day of July 2022

Mary Thomasow  
Defendant or Parent/Guardian if applicable

Subscribed and sworn to before me this  
15<sup>th</sup> ~~th~~ day of July, 2022  
[Signature] (L.S.)  
Notary Public for South Carolina  
My Commission Expires: 7-7-2024

The applicant's request for court-appointed counsel is hereby  granted /  denied.

Dated: \_\_\_\_\_  
\_\_\_\_\_, South Carolina

\_\_\_\_\_  
Judge/Clerk or Deputy Clerk



**FORM 4  
NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT  
OF GENERAL SESSIONS**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

**RECEIVED**

**Jul 22 2022**

APPEAL FROM LANCASTER COUNTY  
Court of General Sessions

**SC Court of Appeals**

William Angus McKinnon, Sixteenth Judicial Circuit Judge

Case No. 2005-GS-29-370  
2019-GS-29-2852;  
2022-GS-29-772

The State,

Respondent,

v.

Manly Thompson,

Appellant.

**NOTICE OF APPEAL**

COMES now the defendant, by and through its undersigned counsel, and respectfully move this court for a new trial on the basis that the court error by not allowing the testimony of Seth Thompson July 14, 2022.

s/ Hemphill P. Pride II  
Hemphill P. Pride II  
Post Office Box 4529  
Columbia, South Carolina 29240  
(803) 256-8015  
Attorney for Appellant

Other Counsel of Record:  
Melissa McGinnis  
Assistant Solicitor  
Post Office Box 607  
Lancaster, South Carolina 29721  
(803) 416-9742  
Attorney for Respondent

STATE OF SOUTH CAROLINA )  
LANCASTER COUNTY )

IN THE COURT OF GENERAL SESSIONS )  
SIXTH JUDICIAL CIRCUIT )

State of South Carolina )

ORDER DENYING MOTION )  
FOR NEW TRIAL )

vs. )

Manly Maurice Thompson, )  
Defendant. )

Case No. 2019-GS-29-2852 )  
2022-GS-29-772 )

**RECEIVED**


Aug 02 2022

SC Court of Appeals

This matter comes before the Court by way of Manly Thompson's Motion for a New Trial. The motion is DENIED for the reasons the Court provided on record during the trial when the Court excluded the testimony.

IT IS SO ORDERED.

Lancaster, South Carolina  
August 4, 2022

 2761  
\_\_\_\_\_  
The Honorable William A. McKinnon  
Circuit Judge

CLERK OF COURT  
OF COURTS  
OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

**CERTIFICATE OF SERVICE**

CLERK OF COURT  
LANCASTER, SC

STATE OF SOUTH CAROLINA, )  
v. )  
Manly Thompson, )  
Defendant. )

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I, the undersigned, do hereby certify that I have served all counsel and/or parties in this action with a copy of the listed document(s) specified below:

- DOCUMENT(S): 1.) Affidavit of Indigency and Application for Counsel  
2.) Order Denying Motion for new trial

PARTY: Melissa McGinnis  
Sixth Circuit Special Prosecutor  
OFFICE OF THE SOLICITOR  
Post Office Box 607  
Lancaster, South Carolina 29721

Honorable Carol Williams  
Chief Deputy Clerk  
CLERK OF COURT  
Post Office Box 1809  
Lancaster, South Carolina 29721-1809

  
Elliott C. Pride

Columbia, South Carolina  
August 1, 2022.

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LANCASTER )  
STATE VS. )

INDICTMENT/CASE#:

2005 -GS- 29 - 370

MANLY MAURICE Thompson )

A/W#: 11231506

AKA: )

Date of Offense: 1-4-05

Race: B Sex: M Age: 36 )

S.C. Code §: 16-9-320(B)

DOB: 11/1/75 SS#: 249-49-2457 )

CDR Code #: 0121516

Address: )

CASE RESTORED SENTENCE

City, State, Zip )

PLEA  TRIAL

DL#                      SID#                      )

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS #1

TO: Resisting Arrest (B)

in violation of § 16-9-320(B) of the S.C. Code of Laws, bearing CDR Code # 0121516

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

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. Concurrent

ATTEST:

[Signature] Solicitor Manly Thompson Defendant

Pro Se (Knowing Waiver) 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: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_ 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: ATU

Recipient: _____	
*Fine: _____	\$ _____
§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 \$ _____
§ 35.13 (Public Def/Prob)	\$500 \$ _____
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$ _____
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

[Signature] Clerk of Court/ Deputy Clerk  
Court Reporter: Virginia Roland

PRESIDING JUDGE [Signature]  
Judge Code: 210  
Sentence Date: 1/30/06

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF Lancaster )  
 )  
STATE )  
 )  
VS. )  
 )  
Manly Maurice Thompson )  
 )  
AKA: )  
 )  
Race: UNKNOWN/O Sex: M Age: 46 )  
 )  
DOB: 11-01-1975 SS#: 249-49-2457 )  
 )  
Address: 1639 Franandale Dr )  
 )  
City, State, Zip: Lancaster, SC 29720-0940 )  
 )  
DL#: 004306533 SID#: )  
 )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2902852  
A/W#: 2019A2910102729  
Date of Offense: 9/28/2019  
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

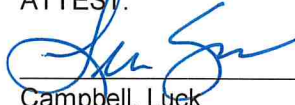
TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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:

 13009 SCB00293  
Campbell, Luek SC Bar # Defendant Pride, Hemphill SC Bar#  
Attorney for Defendant

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

for a determinate term of 00 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: all 7-15-22 convictions

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. 1621 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.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lancaster

STATE

VS.

INDICTMENT/CASE#: 2022GS2900772

Manly Maurice Thompson

A/W#: 2019A2910102753

AKA: \_\_\_\_\_ Date of Offense: 9/28/2019

Race: BLACK Sex: M Age: 46 S.C. Code §: 16-23-0030; 16-23-0050(A)

DOB: 11-01-1975 SS#: 249-49-2457 CDR Code #: 2364

Address: 1639 Franandale Dr

City, State, Zip: Lancaster, SC 29720-0940

DL#: 004306533 SID#: \_\_\_\_\_

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 / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistol

in violation of § 16-23-0030; 16-23-00 of the S.C. Code of Laws, bearing CDR Code # 2364

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:

 13009 SCB00293  
Campbell, Luck SC Bar # Defendant Pride, Hemphill SC Bar#  
Attorney for Defendant

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: all 7-15-22 pleas

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. 1021 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.