

STATE OF SOUTH CAROLINA )  
IN THE COURT OF APPEALS FILED-RECEIVED )

Indictment Nos.: 2022-GS-46-04911; and  
2022-GS-46-04912

State of South Carolina 2022 SEP 16 AM 10:05

-vs-

DAVID HAMILTON  
C.C.C.P. & GS  
YORK COUNTY, SC

**RECEIVED**

SEP 19 2022

Tonya Renee Hinson,

Defendant.

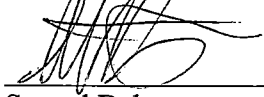
**SC Court of Appeals**

**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 the sentence upon the Honorable William A. McKinnon on September 9, 2022, the Appellant pled guilty to Receiving Stolen Goods Value \$2,000 or less (Indictment No. 2022-GS-46-04911) to Two years upon the service of thirty five days for time served suspended on two years probation; and Breach/Obtain Signature or Property Under False Pretenses Value \$2,000 or less (Indictment No. 2022-GS-46-04912) to time served. The Appellant received thirty five days credit for time served and run concurrent to each other..

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 (4<sup>th</sup> 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,



Stroud Baker  
P.O. Box 691  
York, South Carolina 29745  
(803) 628-3031  
Attorney for Tonya Renee Hinson

York, South Carolina

September 16, 2022

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SEP 19 2022

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

2022 SEP 16 AM 9:00

SC Court of Appeals

STATE

VS.

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

INDICTMENT/CASE#: 2022-GS-46-04911

TONYA RENEE HINSON

A/W#: 2022A4620301861

AKA:

Date of Offense: 05/25/2022

Race: W

Sex: F

Age: 35

S.C. Code §: 16-13-0180(A) and 16-1-57

DOB:

SS#

CDR Code #: 3598

Address:

City, State, Zip:

DL#:

SID# SC02200653

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: Receiving Stolen Goods, Third or Subsequent Property Crime (NMT 10 years)

In violation of § 16-13-0180(A) and 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 3598

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

/s William S. Anderson 104590 /s Tonya Renee Hinson /s Stroud F. Baker 104591  
Solicitor SC Bar # Defendant Attorney for Defense SC Bar #

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

for a determinate term of 2 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 35 days/months/years/Time Served and or payment

of \$\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 2

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 9-9-22 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.

35 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 upon payment of restitution  
**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 \$ 600 plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: Tara Pereira - See order

*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		\$ 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		\$ 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 checked="" 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		\$
<b>TOTAL</b>			\$ <u>125</u>

Clerk of Court/Deputy Clerk: David Hamilton  
 Court Reporter: DCRP

Presiding Judge: \_\_\_\_\_  
 Judge Code: McKinnon 2761  
 Sentence Date: 9/9/2022 9:30:00 AM

**WITNESSES**

RHPD

Witnessing Officer:

**ARREST WARRANT NUMBER**

2022A4620301861

**ACTION OF GRAND JURY**

Foreperson of Grand Jury  
Date:

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2022-GS-46-04911

**The State of South Carolina**

County of York

**COURT OF GENERAL SESSIONS**

SEPTEMBER 9, TERM 2022

THE STATE

VS.

**TONYA RENEE HINSON**

**INDICTMENT FOR**

**RECEIVING STOLEN GOODS, THIRD OR  
SUBSEQUENT PROPERTY CRIME**

SC Code: § 16-13-0180(A) and 16-1-57  
CDR Code: 3598

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

*Tonya Renee Hinson*  
Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

**RECEIVED**  
SEP 19 2022  
SC Court of Appeals

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2022 SEP 16 AM 9:04

STATE OF SOUTH CAROLINA

COUNTY OF YORK

DAVID HAMILTON  
CLERK OF COURT INDICTMENT  
YORK COUNTY, SC

At a Court of General Sessions, convened on September 9, 2022, the Grand Jurors of York County present upon their oath:

**RECEIVING STOLEN GOODS, THIRD OR SUBSEQUENT PROPERTY CRIME**

The defendant, Tonya Renee Hinson, did on or about May 25, 2022, in York County, South Carolina, buy, receive, or possess stolen goods, chattels, or other property with a value of two thousand dollars or less and knew or had reason to believe the goods, chattels, or property was stolen, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved, all in violation of Section 16-13-0180(A) and 16-1-57, *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
WILLIAM S. ANDERSON  
ASSISTANT SOLICITOR

JAIL

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STATE OF SOUTH CAROLINA

2022 SEP 16 AM 9:04

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

STATE VS.

INDICTMENT/CASE#: 2022-GS-46-04912

TONYA RENEE HINSON

A/W#: 2022A4620301862

AKA:  
Race: W Sex: F Age: 35

Date of Offense: 05/25/2022

DOB: SS#

S.C. Code §: 16-13-0240 and 16-1-57

Address:  
City, State, Zip:

CDR Code #: 3613

DL#\* SID# SC02200653

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

RECEIVED

SEP 19 2022

TO: Obtaining Goods Under False Pretenses, Third or Subsequent Property Crime (NMT 10 years)

SC Court of Appeals

In violation of § 16-13-0240 and 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 3613

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (def.'s initials) TH

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

ATTEST:

/s William S. Anderson 104590 /s Tonya Renee Hinson /s Stroud F. Baker 104591  
Solicitor SC Bar # Defendant Attorney for Defense 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: all 9-9-22 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.

35 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 VS. Tonya Renee Hinson

INDICTMENT/CASE#:

2022-GS-46-04912

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:

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	\$ 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	\$ 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	\$ _____
<b>TOTAL</b>				\$ 125

Clerk of Court/Deputy Clerk: David Hamilton  
Court Reporter: DCRP

Presiding Judge:  
Judge Code:  
Sentence Date:

McKinnon 2761  
9/9/2022 9:30:00 AM

**WITNESSES**

RHPD

Witnessing Officer:

**ARREST WARRANT NUMBER**

2022A4620301862

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Foreperson of Grand Jury  
Date:

**VERDICT**

Foreperson of Petit Jury  
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**The State of South Carolina**

County of York

**COURT OF GENERAL SESSIONS**

**SEPTEMBER 9, TERM 2022**

**THE STATE**

**VS.**

**TONYA RENEE HINSON**

**INDICTMENT FOR**

**OBTAINING GOODS UNDER FALSE  
PRETENSES, THIRD OR SUBSEQUENT  
PROPERTY CRIME**

SC Code: § 16-13-0240 and 16-1-57  
CDR Code: 3613

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

  
Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

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COUNTY OF YORK

DAVID HAMILTON  
CLERK OF COURT  
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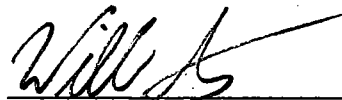
INDICTMENT

At a Court of General Sessions, convened on September 9, 2022, the Grand Jurors of York County present upon their oath:

**OBTAINING GOODS UNDER FALSE PRETENSES, THIRD OR SUBSEQUENT  
PROPERTY CRIME**

The defendant, Tonya Renee Hinson, did on or about May 25, 2022, in York County, South Carolina, willfully and unlawfully by false pretense or representation obtain the signature, money, chattel, valuable security and/or other property, real or personal, of another, valued at less than two thousand dollars (\$2,000) with the intent to cheat and defraud the victim, Tara Marie Pereira, of said property, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved. All in violation of Sections 16-13-0240 and 16-1-57, *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM S. ANDERSON  
ASSISTANT SOLICITOR