

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Honorable G. Edward Welmaker, Circuit Court Judge

Case No(s): 2011-GS-23-07262

 The State,

James Allen Johnson,


v.

2013 JUN 12 PM 2:35
FILED
PAUL
CLERK
-Respondent.
Appellant.

NOTICE OF APPEAL

James Allen Johnson, appeals his conviction and sentence in this case. The sentence was imposed by the Honorable G. Edward Welmaker on June 5, 2013, Appellant was sentenced to Sixty-two (62) years after a verdict of guilty for Homicide by Child Abuse.

Date: June 12, 2013



Dorothy A. Manigault, S.C. Bar # 3615
ATTORNEY FOR APPELLANT
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601

Other Counsel of Record:
W. Walter Wilkins, Solicitor, 13th Judicial Circuit
Kris Hodge, Assistant Solicitors
305 E. North Street, Suite 325
Greenville, South Carolina 29601
Attorney for Respondent

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JUN 17 2013
SC Court of Appeals

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on June 12, 2013, addressed to:

Kris Hodge
Katryna Salisbury
Assistant Solicitors
13th Circuit Solicitor's Office
305 E. North Street, Suite 325
Greenville, SC 29601

SC Court of Appeals
Clerk of Court
Post Office Box
Columbia, South Carolina

Attorney General
P.O. Box 11549
Columbia, SC 29211

Office of Appellate Defense
Post Office Box 11433
Columbia, South Carolina 29211


Dorothy A. Manigault, S.C. Bar #3615
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601
ATTORNEY FOR APPELLANT

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS. James Allen Johnson
AKA:
Race: WHITE Sex: M Age: 28
DOB: 07-13-1984 SS#: 248-59-5585
Address: 216 Willow Dr
City, State, Zip: Marietta, SC 29661
DL#: 100670137 SID#:

INDICTMENT/CASE#: 2011GS2307262
A/W#: 1433991
Date of Offense: 5/25/2011
S.C. Code § : 16-03-0085
CDR Code #: 2356

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Murder / Homicide by child abuse (20Y to Life)

CONVICTED OF or PLEADS

in violation of § 16-03-0085 of the S.C. Code of Laws, bearing CDR Code # 2356
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

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

ATTEST: [Signature] SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 62 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.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS
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:

Recipient:
*Fine: \$
§ 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 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCA Surcharge) \$5 \$ 5
3% to County (if paid in installments) \$
TOTAL \$

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Paul B. Widensamen
Court Reporter: Hawks
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 213
Sentence Date: 6/5/13

A Certified Copy
Paul B. Widensamen
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 6-11-13

WITNESSES

C. T. Miller
Greenville County Sheriffs Office
6/2/2011

DOCKET NO. 2011-GS-23-
KBF

007262

The State of South Carolina

County of Greenville

jud

COURT OF GENERAL SESSIONS
September

TERM 2011

cm

THE STATE

vs.

ARREST WARRANT NUMBER
1433991

JAMES ALLEN JOHNSON

ACTION OF GRAND JURY

TRUE BILL

Bob L. Daum
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

murder
Indictment for

2356

Guilty

HOMICIDE BY CHILD ABUSE

VIOLATION § 16-03-0085(A)(1)

Foreperson of Petit Jury

Date: JUNE 5, 2011

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
HOMICIDE BY CHILD ABUSE

At a Court of General Sessions, convened on
County present upon their oath:

SEP 13 2011

the Grand Jurors of Greenville

That JAMES ALLEN JOHNSON did in Greenville County, on or about the 25th day of May, 2011, cause the death of N. D. S., a child under the age of eleven, while committing child abuse or neglect, and the death occurred under circumstances manifesting an extreme indifference to human life. This is in violation of §16-03-0085(A)(1) of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

OFFICE OF THE PUBLIC DEFENDER
13th JUDICIAL CIRCUIT
Greenville County Courthouse
305 East North Street (Rm 123)
GREENVILLE, SOUTH CAROLINA 29601

John I. Mauldin
Public Defender

TEL (864) 467-8522
FAX (864) 467-8521

June 12, 2013

Via Regular Mail

Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. James Allen Johnson
Indictment No(s): 2011-GS-23-07262

Dear Clerk:

Enclosed you will find the original Notice of Appeal in the above matter along with Proof of Service upon the Respondents. The Notice has been filed with the Greenville County Clerk of Court. Also enclosed is a certified copy of the indictment.

These matters are being referred to the Office of Appellate Defense in that we were participating as Court appointed counsel at trial.

Thank you for your attention to this matter.



Dorothy A. Manigault, S.C. Bar # 3615
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601
ATTORNEY FOR APPELLANT

Enclosure

cc: Office of the Thirteenth Circuit Solicitor
Office of the Attorney General
Office of Appellate Defense

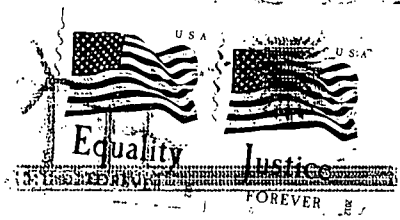
RECEIVED
JUN 17 2013

SC Court of Appeals

Dorothy Manigault
Public Defender Office
Greenville County Courthouse
305 East North Street, Rm 123
Greenville, SC 2960

GREENVILLE SC 296

15 JUN 2013 PM 3 L



The Honorable Jenny Abbott Kitchings
Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

29211162929

