

STATE OF SOUTH CAROLINA )  
 )  
IN THE COURT OF APPEALS )  
 )  
State of South Carolina )  
 )  
-vs- )  
 )  
Thomas Wayne Linder )  
 )  
 )  
Defendant. )  
 )  
\_\_\_\_\_ )

Indictment No.: 2024-GS-46-0760

**RECEIVED**

MAR 19 2024

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 Daniel D. Hall, the Appellant pled guilty to Harassment 1<sup>st</sup> Degree (Indictment No. 2024-GS-46-0760) for a sentence of for time served.

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,



\_\_\_\_\_  
Melissa A. Inzerillo  
P.O. Box 691  
York, South Carolina 29745  
(803) 628-3031  
Attorney for Thomas Wayne Linder

York, South Carolina

March 12, 2024

FILED-RECEIVED  
2024 MAR 12 AM 10:20  
ANGIE N. VASANT  
C.C.C.P. CLERK  
YORK COUNTY, SC

RECEIVED

ORIGINAL

MAR 19 2024

SC Court of Appeals  
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA 2024 MAR 12 AM 9:03

COUNTY OF YORK

STATE

VS.

INDICTMENT/CASE#: 2024-GS-46-00760

THOMAS WAYNE LINDER

AKA:

Race: W Sex: M Age: 37

DOB: SS#

Address:

City, State, Zip:

DL#\* SID# SC01538678

A/W#: 2024A4610200285

Date of Offense: 02/03/2024

S.C. Code §: 16-03-1700(A)

CDR Code #: 2403

SENTENCE SHEET

JAIL

NC v. Alford

\*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: Harassment, First Degree (NMT 3 years &/or \$1,000)

No Contest

In violation of § 16-03-1700(A) of the S.C. Code of Laws, bearing CDR Code # 2403

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) TL

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

ATTEST:

/s Alexander J Harper 103325 /s Thomas Wayne Linder /s Melissa A. Inzerillo 69416  
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 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.  
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.

ORIGINAL

STATE VS. Thomas Wayne Linder

INDICTMENT/CASE#: 2024-GS-46-00760

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
- Completion of GED
- No Contact with Victim
- May serve W/E beginning: \_\_\_\_\_
- 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:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly prnts. 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 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 \$ 125

Clerk of Court/Deputy Clerk: Angie Bryant  
Court Reporter: Shannon McGilberry

Presiding Judge: \_\_\_\_\_  
Judge Code: Hall 2753  
Sentence Date: March 4, 2024

RECEIVED  
MAR 12 AM 9:03



**CASE HISTORY FOR CASE 2024A4610200286**

2/5/2024	10:47 AM	Filing recorded: Bond Comment To Notes Screen
2/6/2024	2:40 PM	Filing recorded: Warrant/Case Filed
2/12/2024	10:24 AM	Edward Notice
3/5/2024	12:00 AM	C46LREILLY recorded the following Case Note: NP per plea

CERTIFIED TRUE COPY  
2024 MAR 12 AM 9:10  
CLERK OF SUPERIOR COURT  
JAMES H. HANCOCK  
1000 STATE STREET  
BOSTON, MA 02108

Jail? YES

General Sessions Tracking Sheet

Name: Thomas Wayne Linder

WARRANT NO: 2024A4610200286

AKA:

Date of Arrest: February 4, 2024

Address: [Redacted]

Date of Offense: 02/03/2024

SSN#: [Redacted]

Date Rev by Clerk  
Magistrate

Counts:

Code: 2403:Harassment, First Degree

Sex: M Race: W

DOB:

DL#:

INDICTMENT NO: 2024-GS-46-00761

Arresting Officer: Dontay Osborne

Arresting Agency: York County Sheriff Office

Disposition Information

- 1. Transmitted to SOL & SCCA
- 2. Disp Received by Clerk:
- 3. Date of Disposition: 3/4/2024

- Disposition \_\_\_\_\_ 1. Guilty Plea  
 \_\_\_\_\_ 2. Trial-Guilty  
 \_\_\_\_\_ 3. Trial-Not Guilty  
 X  4. Dism/NolPros/ProsEnded  
 \_\_\_\_\_ 5. Judicial Commitment  
 \_\_\_\_\_ 6. Judicial Dismissal  
 \_\_\_\_\_ 7. Remanded  
 \_\_\_\_\_ 8a. Dism at Prelim  
 \_\_\_\_\_ 8b. No Bill  
 \_\_\_\_\_ 9. Failure to Appear  
 \_\_\_\_\_ 10. Other

Explain: Nolle prosequi - Per plea

Explain: \_\_\_\_\_

Explain: \_\_\_\_\_

Explain: \_\_\_\_\_

Explain: \_\_\_\_\_

Explain: \_\_\_\_\_

Judge: Hall 2753

Court Reporter: \_\_\_\_\_

Defense Attorney: Melissa A. Inzerillo

Solicitor: /s Alexander J Harper

Counts: 01

Code: 2403 - Harassment, First Degree

Sentence: \_\_\_\_\_

---



---



---

2024 MAR 12 AM 9:10  
 CERTIFIED COPY