

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
FROM AIKEN COUNTY  
THE HONORABLE DONALD HOCKER  
April 21, 2014

Indictment # 2014-GS-02-00074, 2014-GS-02-00079  
2014-GS-02-00080


 THE STATE OF SOUTH CAROLINA -- Respondent

VS.

JOHN UPSON - Appellant

**NOTICE OF INTENT TO APPEAL**

John Upson was convicted at trial on April 16, 2014 before the Honorable Donald Hocker, in Aiken, South Carolina. He appeals his conviction and sentence.

  
Andrew Smith  
Attorney for Defendant

Other Counsel of record is:

Jeffery Slocum  
Assistant Solicitor  
Second Judicial Circuit  
P.O. Drawer 3368  
Aiken, SC 29802

**RECEIVED**

APR 23 2014

**SC Court of Appeals**

NOTICE OF INTENT TO APPEAL  
State of South Carolina

Vs.

INDICTMENT #: 2014-GS-02-00074  
2014-GS-02-00079, 2014-GS-02-00080

JOHN UPSON  
DEFENDANT

CERTIFICATE OF SERVICE

I, Tesa Culbertson, do hereby certify that I have this day served the original of Appellate's Notice to Appeal upon the South Carolina Court of Appeals, and copies of Appellate's Notice of Intent to Appeal to the Clerk of Court of Aiken County, and to Jeffery Slocum, Assistant Solicitor, Second Judicial Circuit, by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

South Carolina Commission  
Of Appellate Defense  
Suite 306  
1205 Pendleton Street  
Columbia, SC 29202

Clerk of Court  
Aiken County Judicial Circuit  
Post Office Box 583  
Aiken, SC 29802

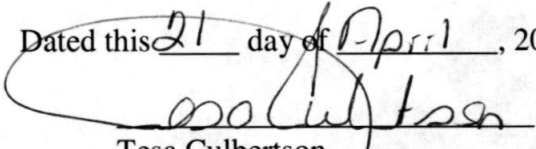
Jeffery Slocum  
Assistant Solicitor  
Second Judicial Circuit  
Post Office Box 3368  
Aiken, SC 29802

**RECEIVED**

APR 23 2014

**SC Court of Appeals**

Dated this 21 day of April, 2014

  
Tesa Culbertson  
Secretary to Appellant's Attorney  
Post Office Drawer 2247  
Aiken, SC 29802  
803-642-1732

# Public Defender for the Second Judicial Circuit

410 Barnwell Avenue N.W.  
Post Office Drawer 2247  
Aiken, South Carolina 29802

De Grant Gibbons, Circuit Public Defender  
April 21, 2014

South Carolina Commission  
Of Appellate Defense  
Attn: Lorie French  
P.O. Box 11589  
Columbia SC, 29211

RE: NOTICE OF INTENT TO APPEAL

John Upson

2014-GS-02-00074, 2014-GS-02-00079, 2014-GS-02-00080


Dear Mrs. French:

Please find enclosed copies of Notice of Intent to Appeal, Indictments 2014-GS-02-00074, 2014-GS-02-00079 and 2014-GS-02-00080 and defendant's affidavit of indigency.

John Upson was convicted at trial on April 16, 2014 for the charges of Armed Robbery and two counts of Kidnapping. He was sentenced to 20 years on each charge which shall run concurrent by the Honorable Donald Hocker. Cheri Young served as the Court Reporter. Her address is P.O. Box 5232, Aiken, SC 29804.

I am available to discuss this case if you so desire.

Sincerely,



Andrew Smith  
Assistant Public Defender

AS:tpc  
Enclosure

A107

ACOL

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

AFFIDAVIT OF INDIGENCY AND  
APPLICATION FOR APPOINTED COUNSEL

STATE VS. John L Upson

ARREST WARRANT / TICKET & CHARGE: 2013A0220101013 - Robbery

1. ARE YOU PRESENTLY EMPLOYED? YES \_\_\_ NO  If yes, Please state the name and address of your employer and the amount of your salary or wages per month and/or week.

NAME: - ADDRESS: -

NET WAGES: \$ - WEEKLY / BI-WEEKLY / MONTHLY

If No, please state the name and address of your former employer, date of termination and the amount of your salary or wages.

EMPLOYER: Const. LA

NET WAGES: \$ - WEEKLY/ BI WEEKLY/ MONTHLY DATE OF TERMINATION: 8/2013

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): lives w/ parents job ran out

(retired) A doesn't know about income they just let him stay there.  
NET WAGES: \$ - WEEKLY / BI-WEEKLY / MONTHLY

3. Have you or household member(s) received within the past twelve months any money from any of the following sources?

- a. Business, Profession or Self-Employment? Yes \_\_\_ No \_\_\_
- b. Rent Payments, Interest or Dividends? Yes \_\_\_ No \_\_\_
- c. Pensions, Annuities or Life Insurance Payments? Yes \_\_\_ No \_\_\_
- d. Gifts or Inheritance? Yes \_\_\_ No \_\_\_
- e. Any Other Source (including Unemployment, Retirement, Disability and/or Food Stamps)? Yes  No \_\_\_

If the answer to any question above is "Yes", please list the source of the money and the amount received within the last 12 months.

SOURCE: FS AMOUNT: \$ 187/mo

4. 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 \$ -  
 NAME: - AGE: - RELATIONSHIP: - AMOUNT \$ -  
 NAME: - AGE: - RELATIONSHIP: - AMOUNT \$ -

5. DO YOU HAVE CASH, OR DO YOU HAVE ANY MONEY IN A CHECKING OR SAVINGS ACCOUNT  
CASH: \$ 0 CHECKING: \$ 0 SAVINGS: \$ 0

6. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES OR OTHER VALUABLE PROPERTY, EXCLUDING ORDINARY HOUSEHOLD FURNISHINGS AND CLOTHING? YES \_\_\_ NO \_\_\_

PLEASE SPECIFY: -

7. LIST THE TYPE OF VEHICLE(S) YOU OWN (YEAR, MAKE, MODEL): \_\_\_\_\_

PAID FOR? YES \_\_\_\_\_ NO \_\_\_\_\_ AMOUNT OF PAYMENT(S) \$ \_\_\_\_\_

8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? lives w/ parents

9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.?  
Medicals ; CC ; loans AMOUNT \$ \_\_\_\_\_

I do solemnly swear that the information reported by me for this 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 way 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 any property, or made over in trust for myself or otherwise, other than mentioned herein.

I understand that 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 the amount equal to the costs of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand such claim shall be filed in the Office of the Clerk of Court 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 or all of such a 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 Public Defender's Office 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 30 days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

John L. Lyson  
Applicant

Sworn to before me this 5 day of Dec, 2013

[Signature] Notary Public for South Carolina. My commission expires: 11-4-2020

RACE: B SEX: M AGE: 42  
SSN: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY & STATE: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_

IN JAIL       OUT ON BOND  
DATE OF ARREST: 12-2-13  
BOND AMOUNT: \_\_\_\_\_  
BONDSMAN: \_\_\_\_\_  
CO-DEFENDANTS: \_\_\_\_\_

The applicant's request for counsel is hereby

       GRANTED  
       DENIED

[Signature]  
Judge/ Clerk or Deputy Clerk  
DATE: 12-5-13

*Second Judicial Circuit  
Public Defender*

P.O. Box 2247  
Aiken, South Carolina 29802

# 31

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7007 2680 0000 2163 3108

neopost<sup>SM</sup>

04/21/2014

**US POSTAGE**

FIRST-CLASS MAIL

**\$06.69<sup>00</sup>**



ZIP 29801  
041L 11219893

LV  
4-23

South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

APR 23 2014

**SC Court of Appeals**

29211 131629 B012



