

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Anthony Nation,

Appellant.

The Honorable Frank R. Addy, Jr.  
Greenwood County  
Trial Court Case No. 2001-GS-24-01096

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## ORDER

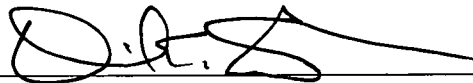
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For good cause shown, the request for an extension to Initial brief of Appellant and Designation of Matter is granted and extended until April 27, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

March 30, 2012

cc: Chief Appellate Defender Robert M. Dudek  
John Benjamin Aplin, Esquire

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Appeal from Greenwood County

Frank R. Addy, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

 ORIGINAL

RECEIVED

MAR 28 2012

S.C. Supreme Court

RESPONDENT,

V.

ANTHONY NATION,

APPELLANT

\_\_\_\_\_  
PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF MATTER  
\_\_\_\_\_

The undersigned counsel respectfully requests a **final thirty day extension, until April 30, 2012**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed **Friday, March 30, 2012**.

2. Counsel has an oral argument tomorrow, March 29, 2012, in State v. Randy Vickery before this Court. Counsel filed the initial reply brief in the death penalty case of State v. Stephen Christopher Stanko with the Supreme Court on March 26, 2012. Counsel filed the initial brief of respondent and designation of matter in State v. Robert Jolly #2 with this Court on Friday, March 23, 2012. Counsel filed the initial brief of appellant and designation of matter in

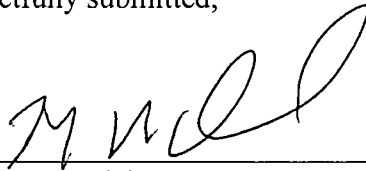
State v. Matthew Taylor Hinton with this Court on Thursday, March 22, 2012. Counsel filed the petition for writ of certiorari to this Court and accompanying appendix in State v. Terrell McCoy with the Supreme Court on March 16, 2012. Counsel had an oral argument in State v. Christopher Heller before this Court on March 13, 2012. Counsel filed the petition for rehearing in State v. Garvin Duvall with this Court on March 15, 2012. Counsel also filed the initial brief of appellant and designation of matter in State v. Donald Petty with this Court on March 15, 2012. Counsel and co-counsel also had a further meeting on State v. Richard Gagnon on March 15, 2012. Counsel filed the return to the petition for writ of certiorari in Michael A. Hough v. State with the Supreme Court on March 8, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Charles Berlin Pennell with this Court on March 5, 2012. Counsel also filed the brief of petitioner in State v. Miama Kromah with the Supreme Court on March 5, 2012. Counsel is currently working on the death penalty case of Richard Bernard Moore v. State with co-counsel Susan B. Hackett. Counsel also is working on the brief of petitioner with co-counsel in the death penalty case of State v. Brad Sigmon. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

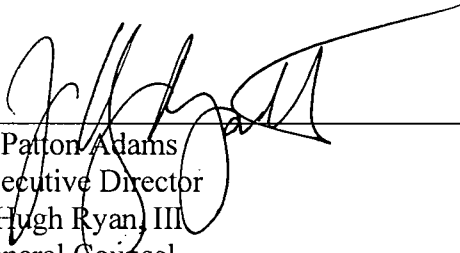
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until April 30, 2012**. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



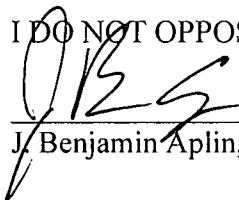
Robert M. Dudek  
Chief Appellate Defender



T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

March 28, 2012

I DO NOT OPPOSE:



J. Benjamin Aplin, Esquire

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Anthony Nation,

Appellant.

The Honorable Frank R. Addy, Jr.  
Greenwood County  
Trial Court Case No. 2001-GS-24-01096

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## ORDER

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For good cause shown, the request for an extension to serve and file the initial brief of appellant and designation of matter is granted and extended until March 30, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



CLERK

Columbia, South Carolina

March 2, 2012

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenwood County

Frank R. Addy, Circuit Court Judge

RECEIVED  
FEB 29 2012  
S.C. Supreme Court

THE STATE,

RESPONDENT,

v.

ANTHONY NATION,

APPELLANT

PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.

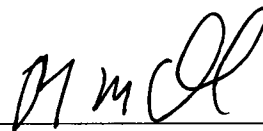
2. Counsel is currently working on the petition for writ of certiorari and accompanying appendix in the death penalty case of Richard Bernard Moore v. State with co-counsel Susan B. Hackett. Counsel presented at the Best Practices Seminar sponsored by the South Carolina Commission on Indigent Defense and the Charleston Law School in Charleston on February 24, 2012. Counsel filed the five issue death penalty brief in the case of State v. Steven Barnes on February 22, 2012, with this Court. Counsel argued part of the case of State v. Kathy Salley along with Matt Bogan Nelson-Mullins firm before this Court on February 22,

2012 after the Court of Appeals sought certification. On February 23, 2012, counsel argued part of the case of State v. Chris Anthony Liverman before this Court, also along with Matt Bogan. Counsel filed a petition of for writ of certiorari with the United States Supreme Court in the death penalty case State v. William O. Dickerson on February 15, 2012. Counsel argued State v. Gavin Duvell before the Court of Appeals on February 16, 2012. Counsel argued part of, along with Reid Sherard of the Nelson-Mullins firm, the murder case of State v. Richard Bill Niles, Jr. with the Court of Appeals on Tuesday, February 14, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Jason Will Williams with the Court of Appeals on February 8, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Stephania Murray with the Court of Appeals on February 2, 2012. Counsel is reading the state's brief in the death penalty case of State v. Steven Stanko where he anticipates filing a reply brief. Moreover, two other major cases have just arrived in this office that require attention: Marion Lindsey v. State, a death penalty PCR case, and Steven Beckham v. State, which originally was a death penalty case at the trial level. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

February 29, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenwood County

Frank R. Addy, Circuit Court Judge

RECEIVED  
FEB 29 2012  
S.C. Supreme Court

THE STATE,

RESPONDENT,

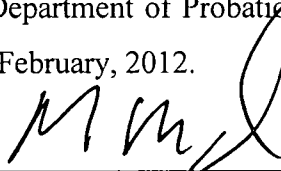
V.

ANTHONY NATION,

APPELLANT

CERTIFICATE OF SERVICE


The undersigned attorney hereby certifies that a true copy of the petition for extension to file the initial brief of appellant and designation of matter in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the South Carolina Department of Probation, Parole & Pardon Services, PO Box 50666, Columbia, SC 29250, this 29th day of February, 2012.



Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me  
this 29th day of February, 2012.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 2, 2013 .

# The Supreme Court of South Carolina

The State, Respondent,

v.

Anthony Nation, Appellant.

The Honorable Frank R. Addy, Jr.  
Greenwood County  
Trial Court Case No. 2001-GS-24-01096

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## ORDER

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The request for an extension to serve and file the Initial Brief of Appellant and Designation of Matter is granted and extended until February 29, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Jessica S. Stealy*  
*Chief Deputy* CLERK

Columbia, South Carolina

January 31, 2012

cc: John Benjamin Aplin, Esquire  
Chief Appellate Defender Robert M. Dudek



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

January 30, 2012

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

RECEIVED

JAN 30 2012

S.C. Supreme Court

Re: State v. Anthony Nation

Dear Mr. Shearouse:

The initial brief of appellant and designation of matter are due to be served and filed with the Court today. However, because of my heavy workload at this time, I am requesting a thirty day extension in which to serve and file the petition.

By copy of this letter, I am informing J. Benjamin Aplin, Esquire, of the South Carolina Department of Probation, Parole and Pardon Services, of my request.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/cms

cc: J. Benjamin Aplin, Esquire



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

RECEIVED

DEC - 1 2011

December 1, 2011

S.C. Supreme Court

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

The State v. Anthony Nation

12/1/2011

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Sharon A. Graham  
Administrative Coordinator



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

September 28, 2011

RECEIVED

SEP 28 2011

S.C. Supreme Court

Ms. Jo Rice  
Circuit Court Reporter  
401 Wardlaw Street  
Abbeville, SC 29620

Dear Ms. Rice:

Please provide us with the following transcript:

The State v. Anthony Nation

Case #:

01-GS-24-1096

County: Greenwood

Date of Trial: September 14-15, 2011

Presiding Judge: Frank R. Addy

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

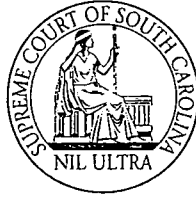
Please number the lines on the paper from 1-25; and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Sharon A. Graham  
Administrative Coordinator

cc: S.C. Supreme Court  
Attorney General's Office



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

September 27, 2011

Ernest Charles Grose, Jr., Esquire  
Shane Edwin Goranson, Esquire  
Eighth Circuit Public Defender's Office  
600 Monument St., Box P-133  
Greenwood, SC 29646

Re: The State v. Nation, Anthony  
Case Tracking No. 2011-199726

Dear Counsel:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

CLERK

DES/dmh

Enclosure

The State v. Nation, Anthony  
Page Two  
September 27, 2011

cc: Division of Appellate Defense  
John Benjamin Aplin, Esquire

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions  
Frank R. Addy, Jr., Circuit Court Judge

General Session Case No. 2001-GS-24-1096  
Probation Warrant No. W-01-11-0012

FILED GENERAL SESSIONS  
8TH JUDICIAL CIRCUIT  
GREENWOOD, SC  
2011 SEP 22 PM 2 57

The State, ..... Respondent

v.

Anthony Nation, ..... Appellant.

NOTICE OF APPEAL

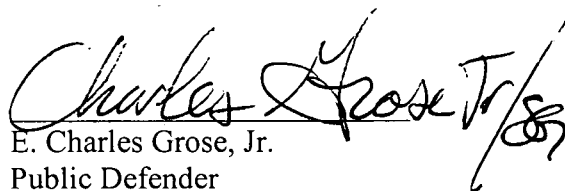
Anthony Nation appeals his revocation of probation and sentence in this case. The Honorable Frank R. Addy, Jr. revoked part of his probation sentence and imposed the sentence and lifetime GPS monitoring following a hearing conducted in Abbeville County on September 15, 2011.<sup>1</sup> This appeal is to the South Carolina Supreme Court because the principle issue on appeal is the constitutionality of S.C. Code Section 23-5-535.

September 22, 2011

**RECEIVED**

SEP 26 2011

**S.C. SUPREME COURT**



E. Charles Grose, Jr.  
Public Defender  
8<sup>th</sup> Judicial Circuit  
Suite 208, Park Plaza  
600 Monument Street, Box P-133  
Greenwood, South Carolina 29646  
(864) 229-9505

Shane Goranson  
Assistant Public Defender  
8<sup>th</sup> Judicial Circuit

<sup>1</sup> This case originated in Greenwood County however supervision was being carried out in Abbeville County therefore the violation hearing was held in Abbeville County.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Abbeville  
STATE VS.

INDICTMENT#: 01-GS-24-1096  
Probation CW#: W-01-11-12

AKA: Anthony Wade Nations  
Race: W Sex: M  
DOB: 12/25/1971  
SSN: \_\_\_\_\_  
SID#: 01390540

Name of Original Offense: Lewd Act on a Minor 16  
Original AWW#: On info  
Date of Original Offense: Dec. 1, 1999 to Jan. 31, 2  
Conviction S.C. Code §: 16-15-140  
Conviction CDR Code #: 2141618  
Original Sentence: 15yrs ss Service 12yrs + 5yrs Prob.  
**ORDER**

The above named defendant has been charged with violating the conditions of probation ordered on 7/16/03 in the Court of General Sessions of Abbeville County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 10/04/10, as set forth in the attached warrant(s) or citation(s) dated 5/16/11. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)  
1, 2, 7, 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Additional Conditions ordered by the Court: Impose GPS monitoring upon release. Allow arraigns to be satisfied & time in jail. Mr. Nations' Constitutional issues have been fully considered and are denied.
- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections. Credit for 111 days (since May 9, 2011) S.S.
- The defendant has previously served 12 months/years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 14<sup>th</sup> day of September, 2011,  
Abbeville, SC

Presiding Judge [Signature]  
Judicial Circuit \_\_\_\_\_

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawfully imposed conditions; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature [Signature]  
Signed this 14<sup>th</sup> day of Sept., 2011, at \_\_\_\_\_  
Day Month Year

Witnessed by [Signature]  
\_\_\_\_\_ City

**RECEIVED**

SEP 26 2011  
SC

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

---

APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions  
Frank R. Addy, Jr., Circuit Court Judge

---

General Session Case No. 2001-GS-24-1096  
Probation Warrant No. W-01-11-0012

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The State, ..... Respondent

v.

Anthony Nation, ..... Appellant.

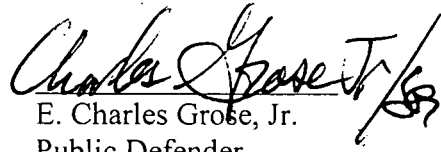
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PROOF OF SERVICE

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I certify that I have served the Amended Notice of Appeal on The State of South Carolina, South Carolina Department of Probation Parole and Pardon Services, by placing a copy in the United States Mail, postage prepaid, on date reflected below, addressed as follows:

J. Benjamin Aplin, Esquire  
Legal Counsel, SCDPPPS  
P.O. Box 50666  
Columbia, SC 29250

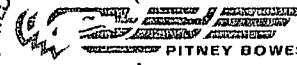
  
E. Charles Grose, Jr.  
Public Defender  
Eighth Judicial Circuit  
Suite 208, Park Plaza  
600 Monument Street, Box P-133  
Greenwood, South Carolina 29646  
(864) 229-9505

Shane Goranson

**OFFICE OF THE PUBLIC DEFENDER**

Greenwood and Abbeville Counties  
Suite 208, Park Plaza  
600 Monument Street, Box P-133  
Greenwood, South Carolina 29646



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Supreme Court of South Carolina  
PO Box 11330  
Columbia SC 29211

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