

Jun. 19th 2015

Jenny Abbott Kitchings
clerk

Appellant Case NO:

2015-001167

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JUN 23 2015

The State

VS.

Dear Mrs Abbott,

SC Court of Appeals

Lionel Small

Respectfully I would like to address the correspondence in re of Appellant Case NO: 2015-001167.

You have notified me of all the deficiencies that exist within my appeal and the incompleteness of an redacted documents that were not filed with the court. And I apologize gravely for an inconvenience it may have caused the court.

Currently I am unrepresented by the office of Indigent counsel seeing as though my application has been sent today. I hope this will suffice to hold off any termination of my appeal, I would ask that the court understand that my status here at Kirkland is still currently listed as "Intake" and my ability to use the legal resources are extremely limited. I assure you that I am trying

frantically to bring this appeal to perfection, my indigent status and housing status limit this potential greatly.

However, I will enumerate in a simple document my intent and grounds on which I am appealing. I have yet to receive my case file from my retained counsel. (Jesse Goode)

enclosed is the redacted copy that I have received from my attorney Jesse Goode.

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Appellant Case No:
2015-001167

Jenna Abbott Kitchin SS
Clerk

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SC Court of Appeals

The State

vs.

Lionel Smalls

I was made aware that his office will be sending it to me as quickly as they can. I am patiently awaiting a full copy of that from my retained counsel - Jesse Goode bar #77468.

I intend to preserve the South Carolina Court of Appeals Case # 2015-001167 - on grounds expressing my lack of representation by Jesse Goode.

Also on the discovery and the lack of regarding my case. It is with these grounds and any further grounds that my counsel will discover I respectfully ask the S.C. of Appeals to hold/preserve my case and find these grounds sufficient to do so until I can contact someone from S.C. Indigent Defense or if am released and able to retain my own counsel of choice.

This document has been SUBSCRIBED AND SWORN to before me this 19th day of.

Respectfully I Remain

Lionel Smalls

JUNE 2015

Jenna Abbott Kitchin

NOTARY PUBLIC FOR SOUTH CAROLINA

Lionel Smalls

Appellant Signature.

MY COMMISSION EXPIRES April 2, 2013



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 02, 2015

Mr. Jesse McGowan Goode, Esquire
1224 Wappoo Road
Charleston SC 29407

Re: The State v. Lionel Smalls
Appellate Case No. 2015-001167

RECEIVED

JUN 23 2015

SC Court of Appeals

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The notice of appeal is not accompanied by a redacted copy of the order(s) and/or sentencing sheet(s) challenged on appeal.
- Since this is an appeal from a guilty plea, nolo contendere plea, or plea pursuant to Alford, Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules requires "a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal."

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
Lionel Smalls

INDICTMENT/CASE#: 2014GS1001798
A/W#: 2014A1010200119
Date of Offense: 1/6/2014
S.C. Code § : 16-15-0130
CDR Code#: 0091

AKA:
Race: BLACK Sex: M Age: 29
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

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SENTENCE SHEET

N.C. v. Afford

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was

TO: Indecent exposure (0-3) CONVICTED OF or PLEADS

in violation of § 16-15-0130 of the S.C. Code of Laws, bearing CDR Code # 0091
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted. Lesser Included Offense. Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation. Negotiated Sentence. Recommendation by the State.

ATTEST: Osborne, David L SC Bar# 101325 Defendant
Attorney for Defendant SC Bar# 77468

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 1 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: 2014-GP-10-1797
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: \$
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:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$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, § 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 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$390, TOTAL \$13390.

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

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (03/2011)

Shaun Vizer

Presiding Judge
ATTEST: JULIE J. ARMSTRONG (SEAL)
DEPUTY CLERK

5/13/15

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.
Lionel Smalls

INDICTMENT/CASE#: 2014GS1001797
A/W#: 2014A1010200118
Date of Offense: 1/6/2014
S.C. Code § : 16-15-0130
CDR Code #: 0091

AKA:
Race: BLACK Sex: M Age: 29
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

SENTENCE SHEET
N.C. v. Afford

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Indecent exposure (0-3)

CONVICTED OF or PLEADS

in violation of § 16-15-0130 of the S.C. Code of Laws, bearing CDR Code # 0091
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Osborne, David L. Defendant
101325 SC Bar#
Attorney for Defendant 77468 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 1 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: \$
Payment Terms:
Set by SCDPPPS
Recipient:
*Fine:
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 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 \$ 25.00
§ 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 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90

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:

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

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT, S.C.
By DEPUTY CLERK

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (03/2011)

Presiding Judge
ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT, S.C.
By DEPUTY CLERK

5/13/15

Very truly yours,

Tommy Abbott Kitching

CLERK

cc: Robert Michael Dudek, Esquire
David Leon Osborne, Esquire
Alan McCrory Wilson, Esquire
Salley W. Elliott, Esquire

Librel Smalls # 294573-F1-254

COLUMBIA
SC 29210
23 JUN 15
91144

Mailroom
Kirkland Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210

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JUN 23 2015

SC Court of Appeals

South Carolina Court of Appeals

Jenny Kitchings

Columbia South Carolina 29211

Post office Box 11629



02 1M
0008001098 JUN 19 2015
MAILED FROM ZIP CODE 29210

\$ 00.70⁵

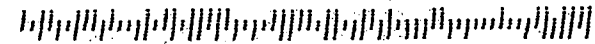
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MAIL
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THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM, THEREFORE, THE
DEPARTMENT DOES NOT ASSUME RESPONSIBILITY FOR
ITS CONTENTS.