


THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Letitia H. Verdin, Circuit Court Judge

Case No(s):: 2010GS2308246

The State,

 John J. Day,

v.

2012 APR 27 PM 1:35
FILED-CLERK OF COURT
PAUL B. ... ENGLISH
COURT ... SC
Respondent.
Appellant.

NOTICE OF APPEAL

John J. Day appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Letitia H. Verdin on April 20, 2012.

Date: April 27, 2012



Brian P. Johnson, Esq.
Greenville County Courthouse
Greenville, SC 29601
Attorney for Appellant

Other Counsel of Record:
Charles Bondurant, Esq.
Assistant Solicitor
13th Circuit Solicitor's Office
301 E. North Street, Suite 325
Greenville, SC 29601
Attorney for Respondent

RECEIVED

APR 30 2012

SC Court of Appeals

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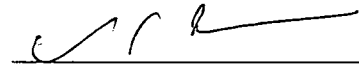
PROOF OF SERVICE

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 April 27, 2012, addressed to:

Charles Bondurant, Esq.
Assistant Solicitor
13th Circuit Solicitor's Office
301 E. North Street, Suite 325
Greenville, SC 29601

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

Date: April 27, 2012



Brian P. Johnson, Esq.
Greenville County Courthouse
Greenville, SC 29601
Attorney for Appellant

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APR 30 2012

SC Court of Appeals

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

April 27, 2012

Via Regular Mail

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

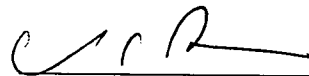
Re: State v. John J. Day
Case No(s): 2010GS2308246

Dear Ms. Gee:

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 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.

Yours very truly,



Brian P. Johnson, Esq.
Greenville County Courthouse
Greenville, SC 29601
Attorney for Appellant

Enclosure

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

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APR 30 2012

SC Court of Appeals

WITNESSES

James A. Guthrie

Greer Police Department

7/7/2010

ARREST WARRANT NUMBER

1581945

DIRECT PRESENTMENT

2010 GS 2308246A

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-8246

CAB

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August TERM 2011

4-20-12

THE STATE

vs.

JOHN DAY

Indictment for

2988
0549

DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE
VIOLATION § 16-25-0065
POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME
VIOLATION § 16-23-0490

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APR 30 2012

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
COUNT ONE - DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE
COUNT TWO - POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on

AUG 16 2011

the Grand Jurors of Greenville

County present upon their oath:

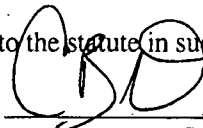
COUNT ONE - DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

That JOHN DAY did in Greenville County, on or about the 30th day of June 2010, intentionally commit an assault and battery which involved the use of a deadly weapon or resulted in serious bodily injury to a household member, CANDICE STANLEY, and/or JOHN DAY did intentionally commit an assault with or without an accompanying battery, which would reasonably cause a person to fear imminent serious bodily injury. This is in violation of §16-25-65 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That JOHN DAY did in Greenville County, on or about the 30th day of June, 2010, possess or visibly display a a claw hammer during the commission or attempted commission of a violent crime, to wit: Domestic Violence of a High and Aggravated Nature. This is in violation of §16-23-490 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

13th Circuit Public Defender
Greenville County Courthouse
305 E. North Street, Suite 123
Greenville, SC 29601

GREENVILLE SC 296

27 APR 2012 PM 4 T



The Honorable Tanya Gee
Clerk, The S.C. Court of Appeals
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