

**NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT OF
GENERAL SESSIONS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Case Nos. 2010-GS-37-745A, 746A

The State,

Respondent,

v.

Marcus Daniel Allison,

Appellant.

RECEIVED

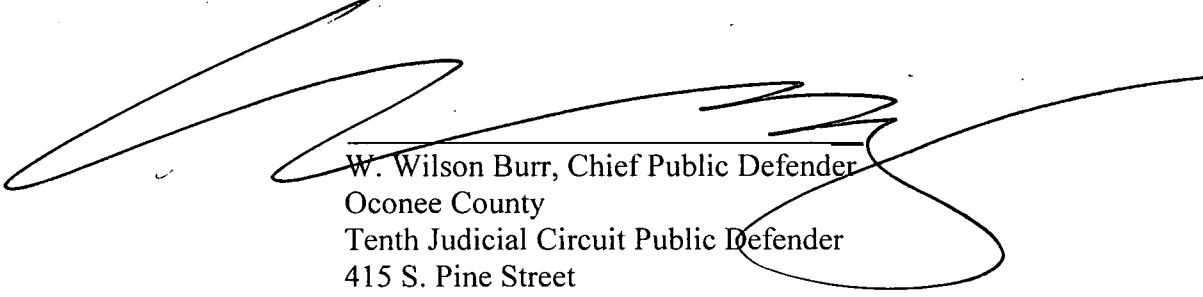
APR 30 2012

SC Court of Appeals

NOTICE OF APPEAL

Marcus Daniel Allison appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Benjamin H. Culbertson on April 25, 2012.

04/27/2012


W. Wilson Burr, Chief Public Defender
Oconee County
Tenth Judicial Circuit Public Defender
415 S. Pine Street
WALHALLA, SC 29691

Other Counsel of Record:
Office of Solicitor
Walhalla, South Carolina

PROOF OF SERVICE OF A NOTICE OF APPEAL

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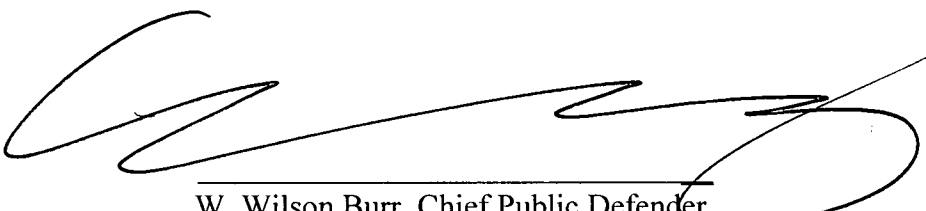
Appellant.

RECEIVED
APR 30 2012
SC COURT OF APPEALS

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The State by hand delivery, on 04/27/2012, to David R. Wagner, Deputy Solicitor, at the Office of the Solicitor, Walhalla Courthouse.

04/27/2012



W. Wilson Burr, Chief Public Defender
Oconee County
Tenth Judicial Circuit Public Defender
415 S. Pine Street
WALHALLA, SC 29691

Tenth Judicial Circuit Public Defender

(Oconee County)

415 South Pine Street, Walhalla, SC 29691

Phone 864/638-3133 ~ Fax 864/638-3120

W. Wilson Burr ~ Chief Public Defender

April 27, 2012

The Honorable Kenneth A. Richstad
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

APR 30 2012

SC Court of Appeals

RE: The State v. Marcus Daniel Allison:

Dear Mr. Richstad:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the relevant sentence sheets.

Sincerely,

W. Wilson Burr
Chief Public Defender

cc: Office of Solicitor

COUNTY OF _____ Ocor. _____
STATE VS. _____

Mr. Marcus Daniel Allison

AKA: _____

Race: W Sex: M Age: 32

DOB: 01-30-1980 SS#: 247-49-3205

Address: 125 Gibson Rd.

City, State, Zip: Seneca, SC 29672

DL#: 007686791 SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

INDICTMENT/CASE#: 2010GS3700745A

A/W#: DIAN130186

Date of Offense: 5/2/2010

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

RECEIVED
SC COURT OF APPEALS
APR 30 2012

CONVICTED OF or HEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

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 Presentation to Grand Jury. _____ (defendant's initials)

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

ATTEST: David R. Wagner SC Bar# _____ Defendant _____ Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 25 days/months/years or under the Youthful Offender Act not to exceed X years and/or to pay a fine of \$ X; provided that upon the service of X days/months/years and/or payment of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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: 3/30/2011
 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
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	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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 (SCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

PTUP _____ days/hours Public Service Employment

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.

Clerk of Court/ Deputy Clerk Beverly H. Whitfield
Court Reporter: Robin S. Hild
SCCA/217 (03/2011)

Presiding Judge _____
Judge Code: 2148
Sentence Date: April 25, 2012

COUNTY OF _____ Ocor. _____
STATE VS. _____

INDICTMENT/CASE#: 2010GS3700746A

Mr. Marcus Daniel Allison

A/W#: DIAN130187

AKA: _____

Date of Offense: 5/2/2010

Race: W Sex: M Age: 32

S.C. Code § : 16-13-0030(B)(1)

DOB: 01-30-1980 SS#: 247-49-3205

CDR Code #: 0478

Address: 125 Gibson Rd.

City, State, Zip: Seneca, SC 29672

DL#: 007686791 SID#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Larceny / Grand Larceny, value more than \$1,000 but less than \$5,000

in violation of § 16-13-0030(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0478

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. _____ (defendant's initials)

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

ATTEST David Rhys Wagner SC Bar# 651068 Defendant _____ Attorney for Defendant _____ SC Bar# 446

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed X years and/or to pay a fine of \$ X; provided that upon the service of X days/months/years and/or payment of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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: 4/25/2012 3/30/2011 (MHC)

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 _____ days/hours Public Service Employment
Total: \$ 1084.80 plus 20% fee: _____ \$ _____

Payment Terms: _____
 Set by SCDPPPS _____
Obtain GED
Attend Voc. Rehab. or Job Corp. _____

Recipient: Bruce Kelley 7446 Hwy 114 Abbe
Dorchester AR 72401
Substance Abuse Counseling

*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) _____ \$ 390
TOTAL _____ \$ 133.90
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.

Clerk of Court/ Deputy Clerk Beverly H. Whitfield
Court Reporter: Robin S. Hild

Presiding Judge M. J. Culbertson
Judge Code: 2148
Sentence Date: April 25, 2012 ✓

SCCA/217 (03/2011)