

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
Appeal From Darlington county
Paul m. Burch Circuit Court Judge
Appellate Case No. 2015-001954

Mario D. Hunter Appellate

v.

State of South Carolina Respondent

RECEIVED

OCT 06 2015

S.C. SUPREME COURT

Motion For SCACR
243 (c) Response

Appellant makes and submits what is set forth below herein response for ground (1) for certiorari review which I received the 9-17-2015 letter on or about 9-23-2015.

- (1) I Hunter, Was Charged with burglary 1st and Petit larceny and convicted of Petit larceny (about a so-called bracket) which was "triable in the Magistrate's court" according to section 16-13-30 of S.C. Code Ann (2005)
- (2.) The 7-29-2015 'Final Order of Dismissal' Pointed to "lack of subject jurisdiction" (p.1)

But failed to note the Court of General Sessions for Darlington County acted without (subject matter) jurisdiction on the Petit larceny offense. See Slack v. State, 429 S.E. 2d 801. ();

Brown v. State, 540 S.E. 2d 846, 849 n1 (2001) (noting successive APCR does not apply to issue(s) of subject matter jurisdiction)

(3.) Appellant pointed to the denial of right to the effective assistance of counsel during the criminal (direct) appeal which is referred thereto in the 'Final Order of Dismissal' (P.1) where appellant Counsel failed to note and argue the lack of subject matter jurisdiction on the Petit larceny offense "without presentment or indictment" by the grand jury; see Ezell v. State, 548 S.E. 2d 852 (2001)

(4.) I Hunter, has presented at least two (2) arguable issues for APCR which the trial court failed to acknowledge and failed to consider as true denying an evidentiary hearing. McCoy v. State, 737 S.E. 2d 623 (2013);

COUNTY OF **DARLINGTON**
STATE VS.

INDICTMENT/CASE#: 07-GS-16-432

AKA: Mario Hunter

AW#: H 837749

Race: B Sex: M Age: 26

Date of Offense: 11/28/06

DOB: 10/22/81 SS#: 249-47-4053

S.C. Code §: 16-13-30

Address: 6417 Rocklake Dr

CDR Code# 0480

City, State, Zip: Charlotte, NC 28214

DL# _____ SID# _____

SENTENCE SHEET

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

TO: Petit Larceny in violation of § 16-13-30(A) of

the S.C. Code of Laws, bearing CDR Code # 0480

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. _____ (Defendant initial)

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

ATTEST:
Tara S. Melencio
Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 days/months/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. Nov 28, 2007
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 set by SCDPPPS _____
Recipient: _____

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 \$ _____
\$ _____ paid to Public Defender's Fund
Other: _____

*Fine:		\$
\$14-1-206 (Assessments 107.5%)		\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100
\$56-5-2995 (DUI Assessment)	\$12	\$
\$35.13 (Public Def/Prob)	\$500	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 1.25

TRUE COPIES
CLERK OF COURTS
DARLINGTON COUNTY, SC

Clerk of Court/Deputy Clerk [Signature] \$ 108.75

Appointed PD or appointed counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

Court Reporter Patricia Carter

PRESIDING JUDGE [Signature]

Judge Code: 107

Sentence Date: Oct 23 2007

White--Clerk Green--Jail Canary-- SCDPPPS Pink--Solicitor Gold--Defendant

THE DEPARTMENT OF CORRECTIONS HAS NEITHER
CENSORED NOR INSPECTED THE ITEM THEREFORE
THE DEPARTMENT DOES NOT ASSUME LIABILITY
FOR ITS CONTENTS.

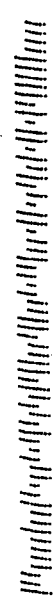
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S.C. DEPARTMENT OF CORRECTIONS



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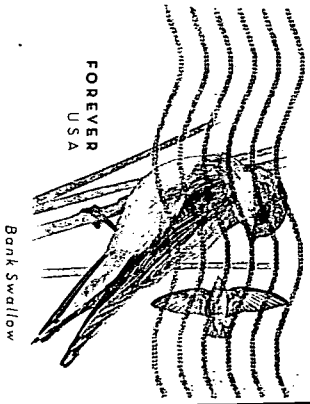
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OCT 08 2015

RIIDGELAND CORRECTIONAL
INSTITUTION

*Daniel E. Shearouse,
Clerk of Court P.O. Box 11336
Columbia, S.C. 29211*



Bank Swallow

CHARLESTON SC 294
02 OCT 2015 PM 11

*Mrs. Heather Morris Demaree, 273701
Ridgeland, CT P.O. Box 2039
Ridgeland S.C. 29936*