

THE STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

THE STATE )

v. )

JAMES TYRONE GRAHAM, )

DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS  
THIRTEENTH JUDICIAL CIRCUIT  
Warrant Nos.: 2012GS2307494

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Rule 203(d)(1)(b)(iv) Certification

OCT 08 2015

SC Court of Appeals

Pursuant to SC Rule 203(d)(1)(b)(iv), Defendant would show that the sentence imposed is unreasonable. Defendant was sentenced to one year of Home Incarceration followed by five years of Probation with the special conditions that he undergo random drug an alcohol testing, sexual offender counseling, have no unsupervised visits with people under the age of 18, and enroll in the sexual offender registry. Defendant communicated to his Attorney that he demands an Appeal.

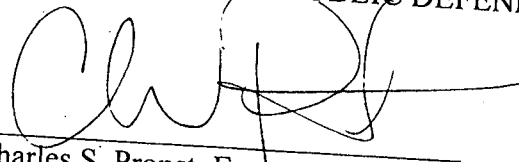
Defendant's Attorney is filing this appeal pursuant to his ethical duty to his client, and Defendant's constitutional right to appeal. See Frazer v. South Carolina, 430 F.3d 696, 706 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client.'") (quoting Anders v. California, 386 U.S. 738, 744 (1967)).

Defendant did not inform his attorney of any specific issues to appeal. Defendant only requested an appeal, and when Defense counsel requested clarification, Defendant simply stated that he wanted to appeal. Defense counsel can provide no material issues to appeal.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By:



Charles S. Propst, Esq.  
Attorney for Appellant  
305 E. North Street, Suite 123  
Greenville, SC 29601  
(864) 467-8522

Greenville, SC

Date: September 18<sup>th</sup>, 2015

Other Counsel of Record:  
Christy Sustakovich, Esq.  
Assistant Solicitor  
13th Circuit Solicitor's Office  
305 E. North Street, Suite 325  
Greenville, SC  
Attorney for Respondent



# 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](http://www.sccourts.org)

September 29, 2015

Mr. Charles Sims Propst, Jr., Esquire  
305 E. North Street, Suite 123  
Greenville SC 29601

Re: The State v. James T. Graham  
Appellate Case No. 2015-002010

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SC Court of Appeals

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court.

This is to advise that the title in the above matter has been changed to read as follows:

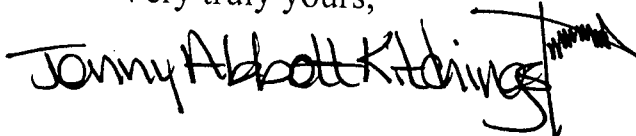
The State, Respondent,

v.

James Tyrone Graham, Appellant.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink that reads "Jonny Abbott Kitching". The signature is written in a cursive, somewhat stylized font. The name "Jonny" is written in a larger, more prominent script, while "Abbott Kitching" is written in a smaller, more compact script. There is a large, sweeping flourish at the end of the signature that extends to the right and then loops back down.

CLERK

cc: Robert Michael Dudek, Esquire  
Christine Kednocker Sustakovitch, Esquire  
Salley W. Elliott, Esquire  
Alan McCrory Wilson, Esquire



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SC Court of Appeals

# The South Carolina Court of Appeals

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[www.sccourts.org](http://www.sccourts.org)

September 28, 2015

Mr. Charles Sims Propst, Jr., Esquire  
305 E. North Street, Suite 123  
Greenville SC 29601

Re: The State v. James T. Graham  
Appellate Case No. 2015-002010

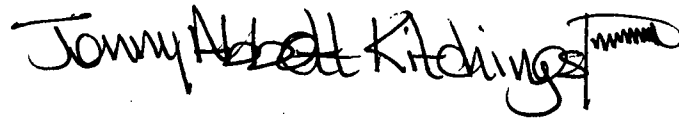
Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the 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. The order can be found at [www.sccourts.org/courtOrders/HTMLFiles/2014-04-15-02.htm](http://www.sccourts.org/courtOrders/HTMLFiles/2014-04-15-02.htm). 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,

A handwritten signature in black ink that reads "Tommy Abbott Kitchings". The signature is written in a cursive style with a large, stylized initial "T" and a flourish at the end.

CLERK

cc: Robert Michael Dudek, Esquire  
Christine Kednocker Sustakovitch, Esquire  
Salley W. Elliott, Esquire  
Alan McCrory Wilson, Esquire

**OFFICE OF THE PUBLIC DEFENDER**  
**13<sup>th</sup> 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

October 6, 2015

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**OCT 08 2015**

**SC Court of Appeals**

Mr. James Tyrone Graham  
120 N. 7th Street  
Easley, SC 29640

**Re: James T. Graham v. The State**  
**Appellate Case No. 2015-002010**

Dear Mr. Graham:

I filed an appeal to the South Carolina Court of Appeals pursuant to your instructions. The Court of Appeals requests a letter informing them of any arguable basis that there are issues preserved for appeal.

As part of the appeal, I was required to submit a Rule 203(d)(1)(b)(iv) Certification to the Court explaining my reasons for filing an appeal. Enclosed are the Certification, a copy of the letter from the Court of Appeals, and a stamped envelope with the Court of Appeals Address.

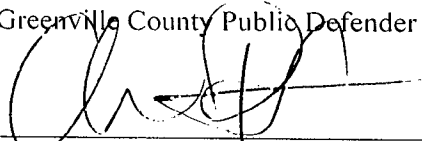
You have twenty (20) days to mail your response to the Court of Appeals. Please submit your letter to the following address:

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

In the heading of your letter, you should provide the above listed caption, including "Appellate Case Number 2015-002010."

Very truly yours,

Greenville County Public Defender



Charles S. Propst, Esq.  
Attorney for Defendant  
305 E. North Street, Suite 123  
Greenville, SC 29601  
(864) 467-8522

**OFFICE OF THE PUBLIC DEFENDER**  
**13<sup>th</sup> JUDICIAL CIRCUIT**  
**Greenville County Courthouse**  
**305 East North Street (Rm 123)**  
**GREENVILLE, SOUTH CAROLINA 29601**

John I. Mauldin  
Public Defender

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October 6, 2015

The Honorable Jenny Abbot Kitchings  
Clerk, The S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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**SC Court of Appeals**

**Re: James T. Graham v. The State**  
**Appellate Case No. 2015-002010**

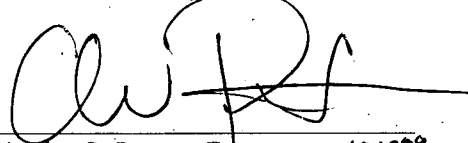
Dear Ms. Kitchings:

Pursuant to your request, enclosed are the documents sent to Mr. James T. Graham regarding his appeal, including the Rule 203(d)(1)(b)(iv) Certification, a letter to Mr. Graham explaining what he is required to submit to the Court, and a copy of your letter.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Greenville County Public Defender



Charles S. Propst, Esq. 100399  
Attorney for Defendant  
305 E. North Street, Suite 123  
Greenville, SC 29601  
(864) 467-8522



**13th Circuit Public Defender**

Greenville County Courthouse  
305 E. North Street, Suite 123  
Greenville, SC 29601

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The Honorable Jenny Abbott Kitchings  
Clerk, The S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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SC Court of Appeals

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