

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY  
Court of General Sessions

Paul M. Burch, Circuit Court Judge

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SC Court of Appeals

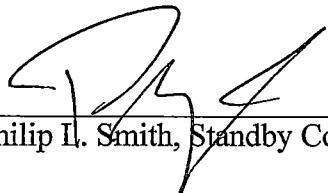
Case No.: 2013-GS-46-3508, 2013-GS-46-3509

The State of South Carolina, Respondent  
vs  
John Kenneth Massey, Jr., Appellant

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DAVID HAMILTON  
C.C.P. & G.S.  
YORK COUNTY, SC

NOTICE OF APPEAL

John Kenneth Massey, Jr. appeals his conviction and the sentence imposed by the Honorable Paul M. Burch. On December 2, 2015 the appellant represented himself, with Philip Smith as standby counsel. The appellate was found guilty of Grand Larceny 3rd or sub. (Indictment 2013-GS-46-3508) and Malicious Injury to Property/Property Enhancement (Indictment 2013-GS-46-3509. The appellant was sentenced to ten (10) years on indictment 2013-GS-46-3508 and two (2) years on indictment 2013-GS-46-3509. Sentences are to run consecutive.

  
Philip L. Smith, Standby Counsel for Appellate

This 10<sup>th</sup> day of December, 2015  
York, South Carolina

Other Counsels of Record:  
Matthew Hogge  
Assistant Solicitor  
1675-1A York Hwy  
York, SC 29745  
(803)628-3020  
Attorney for Respondent

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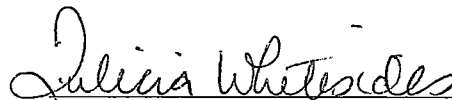
The State of South Carolina, Respondent  
v.  
John Kenneth Massey, Jr., Appellant

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YORK COUNTY, SC

**Certificate of Service**

This is to certify that a copy of the Notice of Appeal in the case of The State vs. John was served upon counsel for the State, Matthew Hogge, Assistant Solicitor on December 10, 2015 by hand-delivering a copy to his office located at the 1675-1A York Hwy, York, South Carolina, 29745 by the undersigned.



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Felicia Whitesides  
Legal Secretary for Philip L. Smith/Standby  
Counsel for appellate

STATE OF SOUTH CAROLINA  
COUNTY OF YORK  
STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS  
SIXTEENTH JUDICIAL CIRCUIT

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SC Court of Appeals

v.  
John Kenneth Massey, Jr,

2013-GS-46-03508 & 03509 (Grand Larceny Enhanced, Malicious Damage to  
Personal Property Enhanced).

This case was called to trial on Monday, 11-30-2015.

The Trial Judge was the Honorable Paul Burch.

The Prosecutor was Assistant Solicitor Matthew Hogge.

The Court Reporter was Shirley Broom

Mr. Massey was represented by Philip Smith (York County Public Defender Office).

During the first day of the trial, there was a pretrial hearing (Jackson v. Denno) conducted by Mr. Smith. At the conclusion of that hearing, the Court denied the Defense motion to suppress alleged statements.

Next, a hearing was begun concerning a Defense motion to suppress testimony of K-9 tracking. At the conclusion of Mr. Smith's cross-examination of Dpty Carroll (the K-9 handler and proposed expert witness), Mr. Massey indicated dissatisfaction with the performance of his attorney, Mr. Smith and requested of the Court that he be allowed to cross-examine the witness.

The Court explained that it would not allow hybrid representation, indicating that Mr. Smith could stay on the case and conduct the examinations, or Mr. Massey could take over representation with Mr. Smith being relieved, but allowed to stay as Standby Counsel. After a break, Mr. Massey decided to have Mr. Smith Relieved and represented himself throughout the duration of the trial.

At the conclusion of the case (on December 2, 2015) the jury convicted the Defendant on both counts.

He was sentenced to 10 years for the Grand Larceny Enhanced, and Two years (consecutive) on the Malicious Damage to Personal Property.

The York County Public Defender Office Filed a Notice of Intent to Appeal for Mr. Massey, but he is Pro Se in this matter, as he was at trial.

**Sixteenth Circuit  
Public Defender  
Office**

**Moss Justice Center  
1675-1E York Highway  
P.O. Box 691  
York, S.C. 29745**



**Harry A. Dest  
Sixteenth Circuit Defender**

December 10, 2015

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SC Court of Appeals**

**Bryson J. Barrowclough  
Deputy Public Defender**

**Stacey D. Coleman  
Juvenile Division**

**Philip L. Smith  
Melissa A. Inzerillo  
Sr. Assistant Public Defenders**

**Assistant Public Defenders  
Mark T. McKinnon  
E. Ashley Anderson  
Mindy H. Lipinski  
Jessica M. Russo  
Walter G. Dusk  
Thomas Bowen**

**Magistrate Court Division  
Toni L. Johnson  
Zachary Merritt  
Charles Rudnick**

**Union County Public Defender  
Erik D. Delaney  
Jenny Williams**

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: John Kenneth Massey, Jr. (Indictment Nos.: 2013-GS-46-3508, 2013-GS-46-3509)

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal, Sentencing Sheets and Certified Certificate of Service in the above captioned matter. Appellate represented himself with Philip Smith as standby counsel. On December 2, 2015, the Appellant was convicted of Grand Larceny 3<sup>rd</sup> (Indictment No. 2013-GS-46-3508) and Malicious Injury to Property//Property Enhancement (Indictment No. 2013-GS-46-3509). Appellant was sentenced to ten (10) years on the Grand Larceny and (2) years on the Malicious injury to Property. The sentences are to run consecutive.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Smith".

Philip L. Smith-Standby Counsel

PLS/jmd

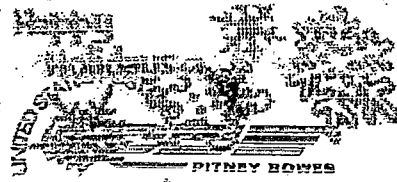
Enclosures



**16th JUDICIAL CIRCUIT  
PUBLIC DEFENDER OFFICE**  
Moss Justice Center  
PO Box 691  
1675-1E York Hwy  
York, SC 29745-0691

CHARLOTTE NORTH

11 DEC 2015



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The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

**SC Court of Appeals**

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