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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

JAN 25 2016

SC Court of Appeals

Roger M. Young, Circuit Court Judge

Appellate Case No. 2016-000044

The State,

Respondent,

v.

James Bryson Munn,

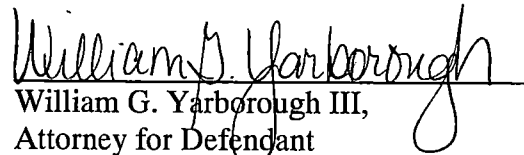
Appellant.

AMENDED NOTICE OF APPEAL

Defendant James Bryson Munn appeals his conviction and sentence in this case. The defendant pled guilty to Felony Driving Under the Influence, Involving Death, and was sentenced to fourteen years in prison on July 13, 2015. This appeal is taken from the order of the Honorable Roger M. Young dated December 30, 2015, which denied Defendant's motion for reconsideration of sentence, and from the Appellant's original Sentencing Sheets. (See attached).

The issues for appeal are whether the defendant's motion for reconsideration should have been granted based on the following: defendant agreed to plea to the charge, on advice of counsel, due to the assurance to both him and his family that his sentence would be

approximately six to seven years; instead defendant received a fourteen year sentence for this charge; and that rehabilitation was not a factor that was taken into consideration during the penalty phase of his sentence.



William G. Yarborough III,
Attorney for Defendant
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Other Counsel of Record:

Jennifer Kneece Shealy
Ninth Circuit Solicitor's Office
O. T. Wallace Building
101 Meeting Street, 4th Floor
Charleston, South Carolina 29401

Hon. Julie J. Armstrong
Clerk of Court, Ninth Judicial Circuit
100 Broad Street, Suite 106
Charleston, SC 29401-2258

Honorable Alan Wilson
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Roger M. Young, Circuit Court Judge

Indictment Number 2015-GS-10-04527

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JAN 25 2016

SC Court of Appeals

The State,

Respondent,

v.

James Bryson Munn,

Appellant.

AFFIDAVIT OF SERVICE

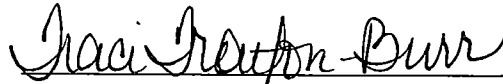
I, Traci Trouton-Burr, certify on January 20, 2016, I served an Amended Notice of Appeal in this action on Hon. Julie J. Armstrong, Clerk of Court, Charleston County, Jennifer Kneece Shealy, Ninth Judicial Circuit Assistant Solicitor, and Hon. Alan Wilson, South Carolina Attorney General by mailing it to them at their work address, by depositing it in the U.S. Mail, in a package with sufficient postage affixed, addressed as follows:

Hon. Julie J. Armstrong
Clerk of Court, Ninth Judicial Circuit
100 Broad Street, Suite 106
Charleston, SC 29401-2258

Jennifer Kneece Shealy
Assistant Solicitor
Ninth Judicial Circuit
101 Meeting Street
Charleston, SC 29401

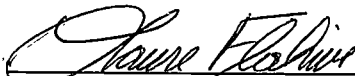
Honorable Alan Wilson
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

Respectfully submitted,



Traci Trouton-Burr
Paralegal to William G. Yarborough

SWORN TO before me this 20 Day of January, 2016



Notary Public for South Carolina
My Commission expires: 4/9/24

Law Office of William G. Yarborough III
522 North Church Street
Greenville, SC 29601

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JAN 25 2016

SC Court of Appeals

Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

PO Box 11629

Columbia, SC 29211



W

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

AKA: [REDACTED]
Race: [REDACTED] Sex: [REDACTED] Age: [REDACTED]
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015-GS-10-04527
A/W: 45126GF
Date of Offense: 08/16/2014
S.C. Code §: 56-05-2945(A)(2)
CDR Code #: 0395

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 [X] PLEADS

TO Felony DUI, Death

In violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

[] NON-VIOLENT [X] VIOLENT [X] SERIOUS [] MOST SERIOUS [] Mandatory GPS [] §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is [X] As indicted, [] Lesser included Offense, [] Defendant Waives Presentment to Grand Jury (def 's initials)
The plea is [X] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State

ATTEST [Signature] 7919 Assistant Solicitor SC Bar #
[Signature] Defendant
[Signature] Attorney for Defendant 5128 SC Bar #

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections [] County Detention Center,
for a determinate term of 14 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 Service standard conditions of probation, which
are incorporated by reference.

[] CONCURRENT or [] CONSECUTIVE to sentence on: _____

[X] 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. Credit

[] The Defendant is to be placed on 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
Total \$___ plus 20% fee \$___ \$___ days/hours Public Service Employment
Payment Terms: _____ Obtain GED []

[] Set by SCDPPPS _____ Attend Voc Rehab Or Job Corp _____

Recipient: _____ May serve W/E beginning _____

*Fine _____ Substance Abuse Counseling []

§14-1-206 (Assessments 107.5%) \$___ Random Drug/Alcohol Testing []

§14-1-211 (A)(1)(Conv Surcharge) \$100 \$ 100.00 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ 700.00 pmts of \$___ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ 12.00 \$___ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ ___ Other _____

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/ca \$ ___

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ \$ 7.26

TOTAL \$ 249.26

Clerk of Court/Deputy Clerk [Signature]
Court Reporter: [Signature]

Presiding Judge: [Signature]
Judge Code: [REDACTED]
Sentence Date: 7/13/15