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AUG 08 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY  
Court of General Sessions

The Honorable Donald Hocker, Circuit Court Judge

Indictment No. 2016-GS-36-0107

JACKIE S. BOWERS  
CLERK OF COURT

2016 AUG 4 PM 4 21

FILED  
NEWBERRY COUNTY

State of South Carolina, .....Appellant,

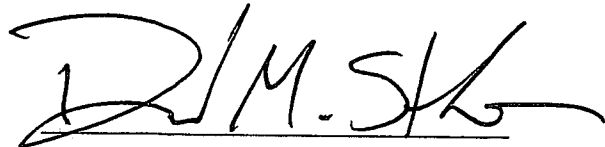
v.

Tony Latrell Kinard, .....Respondent.

**NOTICE OF APPEAL**

The State of South Carolina appeals the pretrial ruling of the Honorable Donald Hocker, with respect to ordering a dismissal of the Defendant's DUI 4th offense or more charge based upon the State's failure to comply with the videotaping requirement of S.C. Code Ann. § 56-5-2953(A)(1)(a)(iii) at the incident site, pronounced by written order on July 25, 2016. This notice of appeal is filed pursuant to S.C. Code Ann. § 14-3-330 because the Order is a final judgment. The State would ask the Court to take notice Rule 246(a) of the S.C. Appellate Court Rules, which stays the July 25, 2016 Order dismissing the above-referenced indictment.

August 3, 2016



DAVID M. STUMBO  
8<sup>TH</sup> CIRCUIT SOLICITOR

Eighth Circuit Solicitor's Office  
PO Box 516  
Greenwood, SC 29648  
dstumbo@greenwoodsc.gov

Other Counsel of Record:  
Michael Laubshire, Attorney for Defendant/Respondent  
455 St. Andrews Rd., Suite E-1  
Columbia, SC 29210

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JACKIE S. BOWERS  
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State of South Carolina, .....Appellant,

v.

Tony Latrell Kinard, .....Respondent.

**PROOF OF SERVICE**

I, David M. Stumbo, certify that I have served the within Notice of Appeal on Respondent by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Michael Laubshire, Attorney for Defendant/Respondent  
455 St. Andrews Rd., Suite E-1  
Columbia, SC 29210

I further certify that all parties required by Rule to be served have been served.

August 4, 2016



David M. Stumbo  
8<sup>th</sup> Circuit Solicitor

Eighth Circuit Solicitor's Office  
PO Box 516  
Greenwood, SC 29648  
dstumbo@greenwoodsc.gov

# The State of South Carolina

OFFICE OF THE SOLICITOR  
EIGHTH JUDICIAL CIRCUIT



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SC Court of Appeals

DAVID M. STUMBO  
SOLICITOR

Suite 203, Park Plaza  
600 Monument Street  
Post Office Box 516  
Greenwood, SC 29648-0516

August 2, 2016

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

**RE:** State of South Carolina v. Tony Latrell Kinard,  
Lower Court Case No. 2016-GS-36-0107

FILED  
NEWBERRY COUNTY  
2016 AUG 4 PM 4 21  
JACKIE S. BOWERS  
CLERK OF COURT

Dear Ms. Kitchings:

Please find enclosed for filing and docketing the original State's Notice of Appeal in the above captioned case. Also enclosed are the following:

1. Proof of Service
2. Letter ordering transcript

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "D.M. Stumbo".

David M. Stumbo  
Solicitor  
SC Bar No. 72105

DMS/rb

Enclosures

CC: Michael Laubshire, Attorney for Defendant/Appellant  
The Honorable Jackie Bowers  
Benjamin Aplin, Esq.  
William Blich, Esq.

The State of South Carolina

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EIGHTH JUDICIAL CIRCUIT



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SC Court of Appeals

DAVID M. STUMBO  
SOLICITOR

Suite 203, Park Plaza  
600 Monument Street  
Post Office Box 516  
Greenwood, SC 29648-0516

August 2, 2016

Mrs. Joy Holston  
118 Sandy Beach Dr.  
Prosperity, SC 29127

RE: State v. Tony Latrell Kinard,  
Lower Court Case No. 2016-GS-36-0107

*Joy*  
Mrs. Holston:

FILED  
NEWBERRY COUNTY  
2016 AUG 4 PM 4 21  
JACKIE S. BOWERS  
CLERK OF COURT

Please prepare a transcript of the above captioned hearing on the Defendant's Motion to Dismiss before the Honorable Donald Hocker held on June 8, 2016 in Newberry County.

Please note the appellate court rules require a detailed index for trial transcripts. The index should include all exhibits. If exhibits were not introduced, then please note that no exhibits were submitted at the hearing. Please prepare the transcript in accordance with the format requirements as set forth in the Court Reporter Manual.

If you will prepare this transcript and forward it to me along with your statement, I will arrange for payment.

Sincerely,

David M. Stumbo  
Solicitor

DMS/rb

cc: Desiree R. Allen, Court Administration  
cc: Michael Laubshire, Attorney for Defendant/Respondent

# The State of South Carolina

OFFICE OF THE SOLICITOR  
EIGHTH JUDICIAL CIRCUIT



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Greenwood  
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Greenwood, SC 29648-0516

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SOLICITOR

August 2, 2016

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AUG 08 2016

**SC Court of Appeals**

Ms. Margaret Woods  
P.O. Box 80243  
Simpsonville, SC 29680

RE: State v. Tony Latrell Kinard,  
Lower Court Case No. 2016-GS-36-0107

FILED  
NEWBERRY COUNTY  
2016 AUG 4 PM 4 21  
JACKIE S. BOWENS  
CLERK OF COURT

Ms. Woods:

Please prepare a transcript of the above captioned hearing on the State's Motion for Reconsideration before the Honorable Donald Hocker held on July 25, 2016 in Laurens County.

Please note the appellate court rules require a detailed index for trial transcripts. The index should include all exhibits. If exhibits were not introduced, then please note that no exhibits were submitted at the hearing. Please prepare the transcript in accordance with the format requirements as set forth in the Court Reporter Manual.

If you will prepare this transcript and forward it to me along with your statement, I will arrange for payment.

Sincerely,

David M. Stumbo  
Solicitor

DMS/rb

cc: Desiree R. Allen, Court Administration  
cc: Michael Laubshire, Attorney for Defendant/Respondent


Office of the Solicitor  
Eighth Judicial Circuit  
P.O. Box 10  
Newberry, SC 29108



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