

ORIGINAL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BAMBERG COUNTY
Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

2014-GS-05-00209

RECEIVED

SEP 29 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA -- Respondent

VS.


Homer Arthur James - Appellant

NOTICE OF APPEAL

Homer Arthur James had a jury trial and was convicted of Armed Robbery. He was sentenced on August 11, 2016 before the Honorable R. Lawton McIntosh in Bamberg, South Carolina. A Motion for a New Trial was filed and served. A hearing on the motion was held on September 7, 2016 before Judge McIntosh. The motion was denied and written notice of the entry of the Order was received on September 20, 2016.

A motion to have the solicitor recused from the case was made on November 30, 2015 before Honorable Roger Young and a motion was made by Homer Arthur James to have the solicitor disqualified from the case before the Honorable Doyet A. Early on February 1, 2016. Both motions were denied.

Mr. James appeals his conviction, sentence, the denial of the Motion for New Trial and the denial of the motions to recuse and/or disqualify the Second Circuit Solicitor's office or Deputy Solicitor David W. Miller.


Wallis Alves
Attorney for Defendant

September 21, 2016

Other Counsel of record is:

Deputy Solicitor David W. Miller
P.O. Box 845
Barnwell, SC 29812

NOTICE OF APPEAL
State of South Carolina

vs:

Homer Arthur James - Appellant
2014-GS-05-00209

CERTIFICATE OF SERVICE

I, Wallis Alves do hereby certify that I have this day served the original of Appellate's Notice of Appeal upon the South Carolina Court of Appeals, and copies of Appellate's Notice of Appeal to the Clerk of Court of Aiken County, and to Deputy Solicitor David W. Miller, Second Judicial Circuit, by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

South Carolina Commission
Of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

Clerk of Court
Bamberg County Judicial Circuit
Post Office Drawer 150
Bamberg, SC 29003

The State of South Carolina Office of the Solicitor
Second Judicial Circuit
Post Office Box 845
Barnwell, SC 29812

Dated this 21st day of September 2016.



Wallis Alves
Post Office Drawer 267
Barnwell, SC 29812
803-541-1129

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SC Court of Appeals

OFFICE OF THE SECOND JUDICIAL CIRCUIT PUBLIC DEFENDER
Post Office Box 267
Barnwell, South Carolina 29812

September 21, 2016

South Carolina Commission
On Indigent Defense
Attention: Lorie French
P. O. Box 11589
Columbia, SC 29211

RECEIVED
SEP 29 2016
SC Court of Appeals

RE: NOTICE OF APPEAL
Homer Arthur James
2014-GS-05-00209

Dear Mrs. French:

Please find enclosed copies of Notice of Appeal, Indictment 2014 GS 05 209 and the defendant's affidavit of indigency.

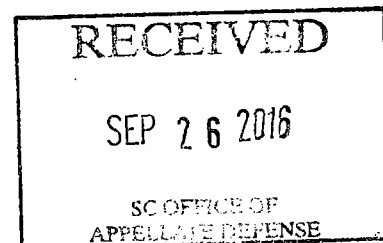
Homer James had a trial and in the Bamberg County Court of General Sessions and was convicted of Armed Robbery. The defendant was sentenced to Life without Parole on August 11, 2016 before the Honorable R. Lawton McIntosh. Bethanie K. Creppon served as the Court Reporter. Her address is P.O. Box 85411, Lexington SC, 29073.

I filed a timely Motion for a New Trial. Judge McIntosh heard the arguments on the Motion for New Trial on September 7, 2016 while he was holding court in Aiken County. Brenda Sigwald served as the Court Reporter for that hearing. The motion was denied and we received written notice of the entry of the Order on September 20, 2016. Mrs. Sigwald's address is P. O. Box 206, Jackson, SC 29831

In addition, there were 2 motions made to have the solicitor recused from the trial of this case. The first was done on November 30, 2015 before Judge Roger Young. He denied the motion. The court reporter at that hearing was Bethanie K. Creppon.

The second motion to have the solicitor recused was made by the Defendant without the assistance of counsel and Judge Early agreed to hear the Motion. This motion was heard on February 1, 2016 by Judge Doyet A. Early, III while he was holding General Sessions Non-Jury court in Barnwell, South Carolina. The motion was denied. The court reporter was Bethanie K. Creppon.

I am available to discuss this case if you so desire.



Sincerely,

A handwritten signature in cursive script that reads "Wallis Alves".

Wallis Alves
Attorney for Defendant

/wa
Enclosure