

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Frank Addy, Jr., Circuit Court Judge

Case No. 2016A4010200091
Indictment No. 2016GS40003525

RECEIVED
SEP 30 2016
SC Court of Appeals

The State,

Respondent,

v.

John Tomsic, III,

Appellant

NOTICE OF APPEAL

John Tomsic, III, the Appellant, was initially charged with criminal domestic violence second degree. On September 22, 2016 the Appellant pled guilty and was sentenced, pursuant to North Carolina v. Alford, to criminal domestic violence third degree. The Appellant appeals his conviction and sentence on the charge of criminal domestic violence third degree. The sentence was imposed by the Honorable Frank Addy, Jr. on September 22, 2016. Appellant's Counsel was informed by the Appellant that he wishes to appeal because the Appellant checked the public index and discovered that other defendants were allowed to plead to assault and battery third degree when charged with criminal domestic violence second degree, as opposed to the Appellant being allowed to plead to criminal domestic violence third degree, pursuant to North Carolina v. Alford, and the Appellant desires a second chance at resolving his case. Appellant Counsel informed the Appellant that his stated reasons to appeal have no legal merit and tried to convince him to forego this appeal. Regardless, the Appellant insisted that Appellant counsel file this appeal. Therefore, Appellant Counsel feels compelled to file this Notice of Intent to Appeal in order to follow the last directive of the Appellant and preserve his rights to appeal. Presumably, this court will contact the Appellant directly at 416 Plantation Drive, Lexington, SC 29072 and offer him an opportunity to provide other meritorious reasons for his appeal and explain to this court why his appeal should not be dismissed.

September 30, 2016



Carl B. Grant
The Law Firm of Carl B. Grant, P.A.
Post Office Box 5509
Columbia, South Carolina 29203
(803) 754-7411
Attorney for Appellant

Other Counsel of Record:
Laura Gregg
Assistant Solicitor
Post Office Box 192
Columbia, South Carolina 29202
(803) 576-2302
Attorney for Respondent

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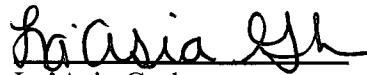
State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Robert Dudek, Chief of Appellate Defense Office, by hand delivering a copy of it to him at the Appellate Defense Office, located at 1330 Lady Street, Suite 401, Columbia, SC 29201 on September 30, 2016.

September 30, 2016



La'Asia Graham

Legal Assistant

The Law Firm of Carl B. Grant, P.A.

Post Office Box 3547

Columbia, South Carolina 29203

(803) 754-7411

Attorney for Appellant

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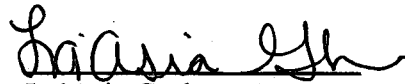
State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on J. Benjamin Aplin, Interim Senior Assistant Deputy, by hand delivering a copy of it to him at the Office of the Attorney General, located at 1000 Assembly Street, Columbia, SC 29201 on September 30, 2016.

September 30, 2016



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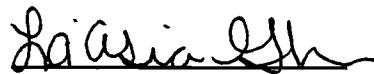
State of South Carolina,

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Laura Gregg, Assistant Solicitor, attorneys for the Respondent, by hand delivering a copy of it to her at the Richland County Solicitor's Office, located at 1701 Main Street, Columbia, SC 29202 on September 30, 2016.

September 30, 2016



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