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State of South Carolina
Court of Appeals
RECEIVED

OCT 20 2016

SC Court of Appeals
State of South Carolina

v
Thomas Kushnir
Appellant

In the South Carolina
Court of Appeals

Appellate Case No: 2016-001854

Indictment NO(S): 2016GS1004032
: 2015GS1003369

Warrant NO(S): 2015A1010500003
: 2015A1010200465

("explanation of issues"
for reason of Appeal)

1. My original charges were FTR sex offender 2nd offenses.
2. I never was served by any state official, the 3rd offense charges, neither went in front of a magistrate judge.
3. I was sentenced on 2 counts of failure to register as a sex offender 3rd or subsequent offense. When I should have been sentenced for FTR as a sex offender 2nd offense since I was convicted of FTR as a sex offender 1st offense on May 13, 2014.
4. On my sentence sheet it was checked NON-violent and my P.d Annie Andrews told me I would only do half of my total sentence.
5. Following my conviction and sentencing I wasn't allowed to sign my request for an appeal. These issues are facts and some of these issues violated my constitutional rights.

Dated October 4, 2016

13th DAY OF October

Lida K. B.
NOTARY PUBLIC

Thomas Kushnir
Thomas Kushnir
Defendant/Appellant

STATE OF SOUTH CAROLINA 6/20/26

LBM20140200886

WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER

2014P0000888

ARREST WARRANT NUMBER

2014A1010200701

DATE OF ARREST

February 6, 2014

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1003415 W

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

June Term 2014

THE STATE

vs.

THOMAS KUSHNIR JR

DOB: 1984-11-01

W/M

Indictment for

Failure to Register Sex Offender

First offense
convicted May 13, 2014

ARREST WARRANT

2015A1010500003

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

2015-013711

THE STATE against

Thomas Robert Kushnir

Address: 152 Heritage Cir Mt Pleasant, SC 29464-3005

Phone: 143-78-2184 SSN: 143-78-2184 Sex: M Race: W Height: 6 2 Weight: 225 DL State: SC DL #: 103681568 DOB: 11/1/1984 Agency ORI #: SC0100000 Prosecuting Agency: Charleston County Sheriff Prosecuting Officer: Robert O. Colson - 0056 Offense: Sex / Sex Offender Registry Violation, fail to register - 2nd offense Offense Code: 2607 Code/Ordinance Sec: 23-03-0470(A)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Thomas Robert Kushnir on 07-22-16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: General Sessions Charleston County Judicial Center 100 Broad Street, Suite 106 Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Robert O. Colson who being duly sworn deposes and says that defendant Thomas Robert Kushnir did within this county and state on or about 9/1/2015 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Charleston) in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Sex Offender Registry Violation, fail to register - 2nd offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

Signature of Affiant

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 3691 Leeds Avenue North Charleston, SC 29405- Affiant's Telephone (843)202-1700

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/1/2015 defendant Thomas Robert Kushnir did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sex Offender Registry Violation, fail to register - 2nd offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 9/10/2015

Signature of Issuing Judge (L.S.) Richardline L. Singleton-Brown Judge Code: 7320

Judge's Address 2145 Melbourne Avenue, Suite 100 North Charleston, SC 29405- Judge's Telephone (843)745-2215

Issuing Court: X Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Second Offense Never convicted

Personally appeared before me, a magistrate of this County, one Robert Colson who, first being duly sworn, deposes and says that one

THOMAS ROBERT KUSHNIR

did within this County and State on or about the 1st day of September, 2015, violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE
FAILURE TO REGISTER SEX OFFENDER 2ND
23-3-460/23-3-470/23-3-480**

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on September 1th, 2015, while at 3691 Leeds Ave, North Charleston, in the County and State aforesaid, the above named defendant, **THOMAS ROBERT KUSHNIR**, did commit offense of violation section 23-3-460/23-3-470/23-3-480 of the South Carolina Code of Laws, 1976 as amended, **FAILURE TO REGISTER SEX OFFENDER 2ND OFFENSE**, in that he did fail to register with the Sheriff's Office as required by the aforementioned statute.

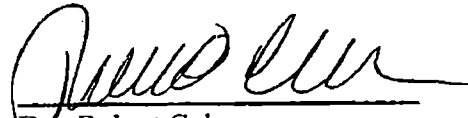
On 04-11-2000, the defendant, **THOMAS ROBERT KUSHNIR** was convicted of Sexual Assault in the State of New Jersey and subsequently required to register as a convicted sex offender. The defendant last reported to this agency on 04-22-2015 and signed an acknowledgement of his responsibilities and the next month he was to register (August). August has passed and gone and the defendant failed to register. This R/D then made several attempts to call and locate the defendant but all numbers are no longer in use. This affiant went to his address and father reported he moved to possibly New Jersey. The defendant has one prior convictions of this law: 05-13-2014. The whereabouts of the defendant at this time are not known in direct violation of this law.

The above information was revealed through the investigation of Robert Colson, and he is witness to prove the same all done against the peace and dignity of the State.

Sworn to and Subscribed before me
This 10th day of September, 2015



Signature of Judge



Det. Robert Colson
Charleston County Sheriff's Office
3691 Leeds Ave
North Charleston, SC 29405
843-529-6210

LBM/0314394
WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER

2015-013771

ARREST WARRANT NUMBER

2015A1010500003

DATE OF ARREST

02/22/2016

ACTION OF GRAND JURY

TRUE BILL

JUL 12 2016

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-10-04032

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JULY TERM 2016

THE STATE

VS.

THOMAS ROBERT KUSHNIR, JR

W/M DOB: 11-01-1984

Indictment for

**VIOLATION OF SEX OFFENDER
REGISTRY- FAIL TO REGISTER**

SC Code: § 23-03-0470(A)

CDR Code: 2435

FILED

8/4/2016 9:03:13 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF CHARLESTON

At a Court of General Sessions, convened July 2016, the Grand Jurors of Charleston County present upon their oath:

VIOLATION OF SEX OFFENDER REGISTRY- FAIL TO REGISTER

The Defendant, Thomas Robert Kushnir Jr, having been convicted of an offense for which he is required to register as a sex offender pursuant to SC Code Section 23-4-430, did on or about September 1, 2015, in Charleston County, South Carolina, fail to register as a sex offender with the Charleston County Sheriff's Office and/or fail to notify the Charleston County Sheriff's Office of a change of address, change of employment, or of attendance, enrollment, employment, volunteer status, intern status, or vocation status-at any public or private school, such being a third or subsequent offense. This is in violation of Section 23-3-470 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


LAUREN M. FRIERSON
ASSISTANT SOLICITOR

LBM/0244217/20150100747
WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER
2015P0000741

ARREST WARRANT NUMBER
2015A1010200465

DATE OF ARREST
01/30/2015

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

JUL 08 2015

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-10-03369

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
JULY TERM 2015

THE STATE

VS.

THOMAS ROBERT KUSHNIR, JR
W/M DOB: 11-01-1984

Indictment for

VIOLATION OF SEX OFFENDER
REGISTRY- FAIL TO REGISTER

SC Code: § 23-03-0470(A)
CDR Code: 2435

FILED

7/17/2015 12:49:58 PM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

INDICTMENT

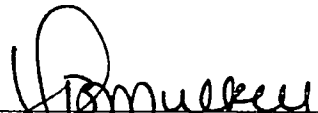
COUNTY OF CHARLESTON

At a Court of General Sessions, convened on July 6, 2015, the Grand Jurors of Charleston County present upon their oath:

VIOLATION OF SEX OFFENDER REGISTRY- FAIL TO REGISTER

The defendant, Thomas Robert Kushnir Jr, having been convicted of an offense for which he is required to register as a sex offender pursuant to SC Code Section 23-4-430, did on or about January 25, 2015, in Charleston County, South Carolina, fail to register as a sex offender with the Charleston County Sheriff's Office and/or fail to notify the Charleston County Sheriff's Office of a change of address, change of employment, or of attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school, such being a third or subsequent offense. This is in violation of Section 23-3-470 of the South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


LAUREN B. MULKEY
ASSISTANT SOLICITOR

Thomas Kushnir #368509
Lieber Correctional Facility
136 Wilborn Ave
Ridgeville, SC 29472

RECEIVED
SCDC
OCT 21 2016
MAIL ROOM
OCT 14 2016
MAIL ROOM
LIEBER C.I.

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
OCT 20 2016
SC Court of Appeals