

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

The State,

Respondent,

v.

John Tomsic, III,

Appellant

RECEIVED
SEP 30 2016
SC Court of Appeals

RECEIVED
OCT 14 2016
SC Court of Appeals

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

0-90 days, \$1000-\$2500

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland

STATE VS.

John Julian Tomsic III

Victims' rights statute complied with

INDICTMENT/CASE#: 2016GS4003525

AKA:

A/W#: 2016A4010200091

Date of Offense: 1/10/2016

Race: WHITE Sex: M Age: 47

S.C. Code §: 16-25-0020(A)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code: 3812

Address: 438 Crimms Creek Way

City, State, Zip: Irmo, SC 29063

DL#: [REDACTED] SID#: [REDACTED]

OCT 14 2016

SENTENCE SHEET

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Domestic/Domestic Violence, 3rd degree

SC Court of Appeals

CONVICTED OF or PLEADS

in violation of § 16-25-0020(A)

of the S.C. Code of Laws, bearing CDR Code # 3813

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Gregg, Laura

100531 SC Bar#

Defendant

Attorney for Defendant

2229 SC Bar#

WHEREFORE, the Defendant is committed to the

State Department of Corrections, County Detention Center,

for a determinate term of 90 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 1 days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 1

~~months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation which are incorporated by reference.~~

CONCURRENT or CONSECUTIVE to sentence on:

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.

The Defendant is to be placed on the 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 (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 _____

Substance Abuse Counseling

*Fine:

§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

~~Random Drug/Alcohol Testing~~

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other:

Domestic Abuse Counseling
No Fines

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk

Jeanette McBride
Kelly

Court Reporter:

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2159

Sentence Date: 9-22-16

RECEIVED

SEP 30 2016



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 03, 2016

Mr. Carl B. Grant, Esquire
PO Box 1203
Orangeburg SC 29116

Re: The State v. John Tomsic, III
Appellate Case No. 2016-002051

RECEIVED

OCT 14 2016

SC Court of Appeals

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

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

Please send your letter to your client within ten (10) days, with a copy to this Court.

Very truly yours,

Tommy Abbott Kitchings 

CLERK

cc: Robert Michael Dudek, Esquire
Laura Alliman Gregg, Esquire
John Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire

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

TRIAL LAWYER

Member:
South Carolina Bar
Maryland Bar

5509 N. Main Street
P.O. Box 3547
Columbia, South Carolina 29230
(803) 754-7411
(803) 754-4593 (FAX)

Areas of Practice:
Personal Injury
Criminal Defense
Workers' Compensation
Medical Malpractice
Family Law
Contracts
Military Law
General Law

Orangeburg Office:
960 Doyle Street
P.O. Box 1203
Orangeburg, SC 29116-1203
(803) 536-4011
(803) 536-4163 (FAX)

Via: Certified Mail Return Receipt: 7006 2150 0001 6963 4222

October 13, 2016

John Tomsic, III
416 Plantation Drive
Lexington, SC 29072


RE: The State, Respondent, v. John Julian Tomsic, III, Appellant

Dear Mr. Tomsic:

Pursuant to the directive I received from the Clerk of the South Carolina Court of Appeals in the enclosed letter dated October 3, 2016, I am enclosing a copy of the Notice of Intent to Appeal that I filed on your behalf that outlines my explanation for appealing your case as required by South Carolina Appellate Court Rule 203(d)(1)(B)(iv). You have twenty days from the above date on this letter to inform the South Carolina Court of Appeals in writing of any arguable basis that there are issues preserved for appeal. You must mail that information to the following address: South Carolina Court of Appeals, P.O. Box 11629, Columbia, SC 29211.

With kind regards, I am

Sincerely,



Carl B. Grant
Attorney at Law

Enclosure

CBG/llg

cc: Jenny Abbot Kitchings, Clerk

RECEIVED
OCT 14 2016
SC Court of Appeals

CERTIFICATE OF SERVICE

I, La'Asia Graham, the undersigned employee of The Law Firm of Carl B. Grant, P.A., hereby certify that a copy of the following documents have been served on the following individual by placing a copy of the same in the U.S. mail via Certified Mail Return Receipt, properly addressed, and with the correct amount of postage affixed thereto:

DOCUMENTS: Notice of Intent to Appeal
Letter from The South Carolina Court of Appeals dated
October 3, 2016
Letter to John Tomsic dated October 13, 2016

SERVED ON: John Tomsic, III
416 Plantation Drive
Lexington, SC 29072

RECEIVED

OCT 14 2016

SC Court of Appeals



La'Asia Graham
Legal Assistant
The Law Firm of Carl B. Grant, P. A.

October 13, 2016
Columbia, South Carolina

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

TRIAL LAWYER

5509 N. Main Street

P.O. Box 3547

Columbia, South Carolina 29230

(803) 754-7411

(803) 754-4593 (FAX)

Member:

South Carolina Bar
Maryland Bar

Orangeburg Office:

960 Doyle Street

P.O. Box 1203

Orangeburg, SC 29116-1203

(803) 536-4011

(803) 536-4163 (FAX)

Areas of Practice:

Personal Injury

Criminal Defense

Workers' Compensation

Medical Malpractice

Family Law

Contracts

Military Law

General Law

October 13, 2016

South Carolina Court of Appeals

Attention: Jenny Abbot Kitchings, Clerk

P.O. Box 11629

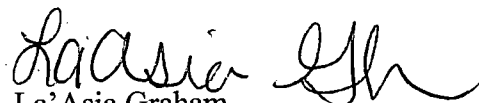
Columbia, SC 29211

Dear Ms. Kitchings:

Enclosed, please find a copy of the letter we sent to Mr. John Tomisc III regarding your letter dated October 3, 2016, the Notice of Intent to Appeal and the certificate of service.

If you have any questions, please contact our Columbia office. With kind regards, I am

Sincerely,



La'Asia Graham

Legal Assistant

RECEIVED

OCT 14 2016

SC Court of Appeals

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

5509 N. Main Street

P.O. Box 3547

Columbia, South Carolina 29230

COLUMBIA

SC 290

13 OCT '16

PM 1 L



PITNEY BOWES

\$ 000.675

02 1P

0000265339 OCT 13 2016

MAILED FROM ZIP CODE 29115

South Carolina Court of Appeals
Attention: Jenny Abbot Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211

RECEIVED

OCT 14 2016

SC Court of Appeals

29211-162929

