

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)
STATE OF SOUTH CAROLINA)
Plaintiff,)
v.)
MARLON TYRONE BANNISTER,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
THE FIRST JUDICIAL CIRCUIT

Warrant/Indictment Nos. :
2016a1820500491
Burglary / Burglary (non-Violent) -
Second Degree

RULE 203(B) EXPLANATION

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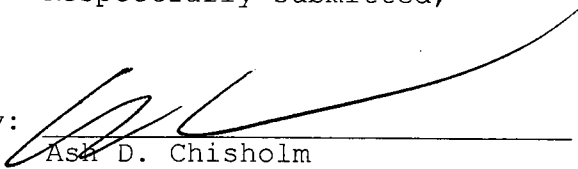
SC Court of Appeals

Pursuant to Rule 203(B)(iv), the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of 5 years suspended to 3 years probation and restitution in the amount of \$2,600.00 upon the Appellant after he plead guilty.

The undersigned does not have a good faith basis to believe that such an abuse occurred and the undersigned did not object to the sentence or file a Motion to Reconsider the sentence. Appellant's basis for the appeal is that the amount of restitution ordered is excessive. Undersigned Counsel discussed with the Appellant his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request.

Respectfully submitted,

By:


Ash D. Chisholm
Assistant Public Defender
107 West 6th North Street
Summerville, SC 29483
Attorney for Defendant
(843) 821-9800

Summerville, South Carolina
This 22nd day of November, 2016

COUNTY OF Dorchester
STATE VS.

Marlon Tyrone Bannister

AKA: _____

Race: _____ Sex: M Age: 44

DOB: _____ SS#: _____

Address: 151 Old Beech Hill Rd

City, State, Zip: Ridgeville, SC 29472-8901

DL#: 0007063156 SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Burglary (Non - Violent) - Second Degree

INDICTMENT/CASE#: 2016GS18-1037

A/W#: 2016A1820500491

Date of Offense: 6/4/2016

S.C. Code §: 16-11-312

CDR Code #: 0080

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SENTENCE SHEET **SC Court of Appeals**

CONVICTED OF or PLEADS

in violation of § 16-11-312 of the S.C. Code of Laws, bearing CDR Code # 0080

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.

ATTORNEYS:
Glenn P. Justis 76606 Marlon Tyrone Bannister Ab Chuteh 76926
Justis, Glenn P. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 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 _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for 3

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. 165 days

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

Total: \$ 2100.00 plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: Marlon Tyrone Bannister

*Fine: _____ \$ _____

§ 14-1-206 (Assessments 107.5 %) _____ \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 _____ \$ 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 _____ \$ 500

§ 14-1-212 (Law Enforce. Funding) \$25 _____ \$ 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) _____ \$ 18.75

TOTAL: \$ 643.75

Clerk of Court/ Deputy Clerk: Cheryl Graham

Court Reporter: Heather Landry

SCCA/217 (07/2015)

PTUP and directed by mental health
_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund
Other: mental health evaluation and follow up recommendations. Must get appointment with victim or her mother

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.

Presiding Judge: [Signature]

Judge Code: 2117

Sentence Date: 11-16-16

Marlon Tyrone Bannister

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SC Court of Appeals

RESTITUTION VERIFICATION FORM
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA VS. MARLOW Bannister

INDICTMENT #(S): 2016GS18-1037

1. Victim: Brianne Bannister
Address: _____
Phone #: _____
Co-Defendant: (843) 813-8568
NONE

Restitution Due: \$2600.00

2. Victim: _____
Address: _____
Phone #: _____
Co-Defendant: _____

Restitution Due: _____

3. Victim: _____
Address: _____
Phone #: _____
Co-Defendant: _____

Restitution Due: _____

4. Victim: _____
Address: _____
Phone #: _____
Co-Defendant: _____

Restitution Due: _____

Total Restitution Due: \$2600.00

Alvin P. Curtis / 11/16/16
SOLICITOR/DATE

[Signature]
JUDGE/DATE