



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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

December 09, 2016

Mr. Ashley D. Chisholm, Esquire
107 W. 6th North St.
Suite 100
Summerville SC 29483

RECEIVED

DEC 19 2016

SC Court of Appeals

Re: The State v. Marlon Bannister
Appellate Case No. 2016-002376

RECEIVED

DEC 12 2016

**First Circuit
Public Defender**

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,

V. Claire Allen, Deputy

CLERK

cc: Robert Michael Dudek, Esquire
Glenn Paul Justis, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire

Office of the Public Defender

First Judicial Circuit

107 W. 6th North Street
Suite 100
Summerville, SC 29483
(843) 821-9800
FAX (843) 871-0523

5200 East Jim Bilton Boulevard
Dorchester County Courthouse
St. George, SC 29477
(843) 832-0154



MARK A. LEIENDECKER
Circuit Public Defender

Courthouse, 151 Docket Street, Room 110
PO Box 1112
Orangeburg, SC 29116-1112
(803) 536-4858
FAX (803) 536-9986

716 Huff Drive
St. Matthews, SC 29135
(803) 874-2100
FAX (803) 874-2400

Please respond to the Summerville Office

November 22, 2016

Mr. Marlon Tyrone Bannister
151 Old Beech Hill Road
Ridgeville, SC 29472

RECEIVED

DEC 10 2016

RE: State of South Carolina v. Marlon Tyrone Bannister **SC Court of Appeals**
Indictment No.: 2016GS181037

Dear Mr. Bannister:

Enclosed please find correspondence regarding the above referenced matter.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ash D. Chisholm'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Ash D. Chisholm
Assistant Public Defender

ADC/sl

Office of the Public Defender

First Judicial Circuit

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November 22, 2016

Glenn Justis
First Judicial Circuit Solicitor's Office
140 North Main Street, Suite 102
Summerville, South Carolina 29483

RE: State of South Carolina v. Marlon Tyrone Bannister
Indictment No.: 2016GS181037

RECEIVED

DEC 19 2016

SC Court of Appeals

Dear Mr.:

Enclosed please find a copy of Notice of Appeal and Proof of Service in the above referenced matter.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ash D. Chisholm'.

Ash D. Chisholm
Assistant Public Defender

ADC/sl

Enclosures
cc: Client

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First Judicial Circuit

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November 22, 2016

Robert M. Dudek
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Post Office Box 11433
Columbia, South Carolina 29211

RECEIVED
DEC 10 2016
SC Court of Appeals

RE: State of South Carolina v. Marlon Tyrone Bannister
Indictment No.: 2016GS181037

Dear Mr. Dudek:

Enclosed please find a copy of Marlon Bannister's Notice of Appeal and Proof of Service from his sentence in Dorchester County.

Please be advised that a copy of Mr. Bannister's file will be sent under separate cover..

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Ash D. Chisholm
Assistant Public Defender

ADC/sl

Enclosures
cc: Client

Office of the Public Defender

First Judicial Circuit

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November 22, 2016

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

DEC 19 2016

SC Court of Appeals

RE: State of South Carolina v. Marlon Tyrone Bannister
Indictment No.: 2016GS181037

Dear Clerk:

Enclosed please find the original Notice of Appeal, Proof of Service and Sentencing Sheet(s) in the above referenced matter.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Ash D. Chisholm
Assistant Public Defender

ADC/sl

Enclosures

cc: First Circuit Solicitor's Office
Client

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

DEC 19 2016

APPEAL FROM DORCHESTER COUNTY
Court of General Sessions

SC Court of Appeals

Honorable Diane Goodstein, Circuit Court Judge

Case No. 2016GS181037

The State,Respondent.


v.

Marlon Bannister,Appellant.

NOTICE OF APPEAL

Marlon Tyrone Bannister, appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Diane Goodstein, on November 16th, 2016. This appeal is filed at the request of Defendant Marlon Bannister. However, counsel is not aware of any exceptions to Rule 203.

November 22, 2016


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

Other Counsel of Record:

Glenn Justis
Assistant Solicitor
140 North Main Street, Suite 102
Summerville, SC 29483
(843) 871-2640

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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DEC 19 2016

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

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

APPEAL FROM DORCHESTER COUNTY
Court of General Sessions

DEC 19 2016

Honorable Diane Goodstein, Circuit Court Judge

SC Court of Appeals

Case No. 2016GS181037

The State,Respondent.


v.

Marlon Bannister,Appellant.

PROOF OF SERVICE

PERSONALLY APPEARED before me, Ash D. Chisholm, who first being duly sworn, deposed and says:

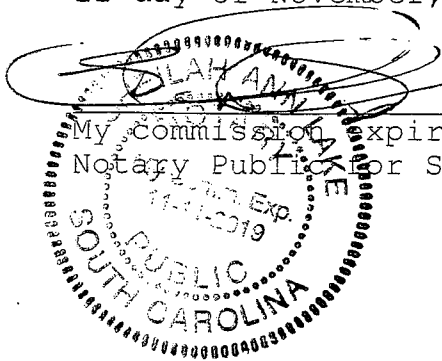
That on the 22 day of November, 2016, he personally served a copy of the Notice of Appeal on Glenn Justis, Assistant Solicitor, via first class, postage paid wrapper, properly addressed, in a post office or official depository under the exclusive care and custody of the United States Postal Service to 140 North Main Street, Suite 102, Summerville, South Carolina 29483.



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

SWORN to before me this
22 day of November, 2016.

My commission expires: 11-11-17
Notary Public for South Carolina



COUNTY OF Dorchester
 STATE VS.
Marlon Tyrone Bannister
 AKA: _____
 Race: _____ Sex: M Age: 44
 DOB: [REDACTED] SS#: [REDACTED]
 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: C E#: 2016GS18-1037
 A/W#: 2016A1820500491
 Date of Offense: 6/4/2016
 S.C. Code §: 16-11-312
 CDR Code #: 0080
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DEC 19 2016
SC Court of Appeals

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 Presentation to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation. Negotiated Sentence. Recommendation by the State.
 ATTEST: Glenn P. Justis 76606 SC Bar# Marlon Bannister Defendant Al Chitt Attorney for Defendant 76926 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: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDEPPS _____

PTUP: Crime cleared by mental health
 _____ days/hours Public Service Employment

Recipient: Marlon 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(I) (Vehicle Assessment) \$40/ea \$ _____
 3% to County (if paid in installments) \$ 18.75
 TOTAL: \$ 643.75

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
TAKE MENTAL HEALTH APPOINTMENT
with a doctor. NO CONTACT
with the victim or his 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.

Clerk of Court Deputy Clerk: Cheryl Graham
 Court Reporter: Heather Landry
 SCCA 217-07-000
 Presiding Judge: [Signature]
 Judge Code: 317
 Sentence Date: 1-10-16
Marlon Bannister

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RESTITUTION VERIFICATION FORM
DORCHESTER COUNTY

DEC 19 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA VS.

MARION BANNISTER

INDICTMENT #(S):

2016GS18-1037

1. Victim:
Address:

Brianne Bannister

Phone #:

(843) 813-8568

Co-Defendant:

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

Wendy Curtis / 11/16/16
SOLICITOR/DATE

[Signature]
JUDGE/DATE

Office of the Public Defender

First Judicial Circuit

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Please respond to the Summerville Office

December 13, 2016

Mr. Marlon Tyrone Bannister
151 Old Beech Hill Road
Ridgeville, SC 29472

RE: The State, Respondent v. Marlon Bannister, Appellant
Appellate Case No. 2016-002376

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Dear Mr. Bannister:

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Post Office Box 11629
Columbia, SC 29211

Very truly yours,

Ash D. Chisholm
Assistant Public Defender

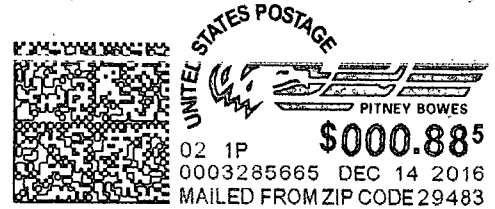
ADC/sl

Enclosure

Office of the Public Defender

FIRST JUDICIAL CIRCUIT

107 WEST 6TH NORTH STREET, SUITE 100
SUMMERVILLE, SOUTH CAROLINA 29483



Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

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