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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of General Sessions

Donald B. Hocker, Circuit Court Judge

Case No. 2016-GS-30-1077;1078

RECEIVED

JUN 13 2017

SC Court of Appeals

The State of South Carolina,

Respondent,

LAC

v.

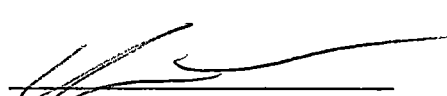
Fabian L. Green,

Appellant.

NOTICE OF APPEAL

Appellant appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Donald B. Hocker on June 2, 2017. This appeal is taken from the oral order of the Honorable Donald B. Hocker on June 2, 2017, which denied appellant's motion for a new trial.

June 12, 2017


Tristan M. Shaffer (SC Bar 77565)
225 Columbia Ave.
Chapin, South Carolina 29036
(803) 941-7514
tristan@shafferlawsc.com
Attorney for Appellant

Other Counsel of Record:
David M. Stumbo

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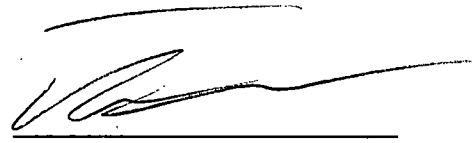
Fabian L. Green,

Appellant.

PROOF OF SERVICE

I certify that on the date below I served the Notice of Appeal on The State of South Carolina by mailing a copy to the David Stumbo at the address below.

June 12, 2017


Tristan M. Shaffer (SC Bar 77565)
225 Columbia Ave.
Chapin, South Carolina 29036
(803) 941-7514
tristan@shafferlawsc.com
Attorney for Appellant

Other Counsel of Record:
David M. Stumbo
Eighth Circuit Solicitor
PO Box 516
Greenwood, SC 29649
Attorney for Respondent

The Law Office of Tristan M. Shaffer

Litigation • Injury Law • Criminal Defense

June 12, 2017

Jenny Abbott Kitchings
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
JUN 13 2017
SC Court of Appeals

Re: The State v. Fabian La'Michael Rashad Green (2016-GS-30-1077;1078)

Dear Ms. Kitchings,

Please find the enclosed Notice of Appeal, Certificate of Service, and Sentencing Sheet in the above referenced case.

Sincerely,



Tristan M. Shaffer

CC: Laurens County Clerk of Court
David Stumbo
Rhonda Foxworth

STATE OF SOUTH CAROLINA

COUNTY OF Laurens
STATE VS.

Fabian Lamichael R. Green

AKA: _____

Race: AFRICAN AME Sex: M Age: 20

DOB: _____ SS#: 377

Address: _____

City, State, Zip: Laurens, SC 29360

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 16GS30-1078

A/W#: 2016A3010100471

Date of Offense: 5/8/2016

S.C. Code § : 16-03-0010

CDR Code #: 0116

RECEIVED

JUN 13 2017

SENTENCE SHEET **SC Court of Appeals**

CONVICTED OF or PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

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: O. Warren 4124
Mowry, O. Warren 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 45 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 _____

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: 16-65-30-1077
 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. 371 Days Credit

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 SCDPPPS _____

Recipient: PD App Fee 40.-

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 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	\$ <u>25</u>
§ 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)		\$ <u>4.95</u>

TOTAL \$ 169.95

PTUP _____ 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: _____

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 Rynn W. Lancaster
Court Reporter: Joy Holston
SCCA/217 (07/2016)

Presiding Judge [Signature]
Judge Code: 2167
Sentence Date: 6/2/17

STATE OF SOUTH CAROLINA

COUNTY OF Laurens
STATE VS.

Fabian Lamichael R. Green

AKA: _____

Race: AFRICAN AME Sex: M Age: 20

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Laurens, SC 29360

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Graves / Destruction, desecration or removal of human remains

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 16GS30-1077

A/W#: 2016A3010100470

Date of Offense: 5/8/2016

S.C. Code § : 16-17-0600

CDR Code #: 0471

RECEIVED

JUN 13 2017

SC Court of Appea

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-17-0600 of the S.C. Code of Laws, bearing CDR Code # 0471
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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: W. Warren 4124
Mowry, O. Warren 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 10 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 _____

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: 16-65-30-1078
 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. 371 Days Credit

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 _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____
*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 \$ _____
§ 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) \$ 3.75

Other: _____
_____ \$ _____
 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.

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Lynn W. Lancaster
Court Reporter: Jay Holston
SCCA/217 (07/2016)

Presiding Judge [Signature]
Judge Code: 2167
Sentence Date: 6/2/17