

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY  
Court of General Sessions

Brian M. Gibbons, Circuit Court Judge

Case No.: 2017-GS-46-00754

The State of South Carolina, Respondent  
v.

Carlton Dennis Saunders, Appellant

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SC Court of Appeals

NOTICE OF APPEAL

Carlton Dennis Saunders appeals his conviction and the sentence imposed by the Honorable Brian M. Gibbons. On May 18, 2017, the Appellant pled guilty to Domestic Violence 1<sup>st</sup> degree and received a sentence of Six (6) years provided upon the service of One (1) year and Three (3) years of Probation.

*Phil Smith / BJB*

Philip L. Smith  
Assistant Public Defender  
Sixteenth Judicial Circuit  
P.O. Box 691  
York, SC 29745  
(803) 628-3031  
Attorney for Appellant

This 12 day of June 2017.  
York, South Carolina

Other Counsel of record:  
Ivy Nicole Blair, Assistant Solicitor  
Sixteenth Judicial Circuit  
1675-1A York Highway  
York, SC 29745  
(803) 628-3020

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DAVID HAMILTON  
C.C.C.P. & GS  
YORK COUNTY, SC

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

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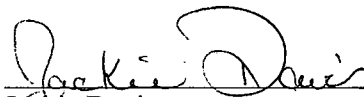
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Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Carlton Dennis Saunders was served upon Assistant Solicitor Ivy Blair on June 12, 2017, by hand-delivering a copy to the Solicitor's Office, second floor of the Moss Justice Center, 1675 York Highway, York, South Carolina, by the undersigned.



Jackie Davis  
Legal Secretary for Philip L. Smith  
Attorney for the Defendant

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C.C.P. & GS  
YORK COUNTY, SC

STATE OF SOUTH CAROLINA )  
)  
IN THE COURT OF APPEALS )  
)  
State of South Carolina )  
)  
-vs- )  
)  
Carlton Dennis Saunders, )  
)  
Defendant. )  
\_\_\_\_\_ )

Indictment No.: 2017-GS-46-00754

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SC Court of Appeals

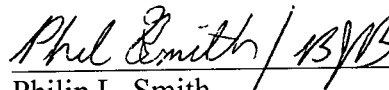
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YORK COUNTY, SC

**RULE 203(B) EXPLANATION**

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed the one year sentence upon the Appellant after he pled guilty to Domestic Violence 1<sup>st</sup> degree.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about 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. See *Frazer v. South Carolina*, 430 F.3d 696, 705 (4<sup>th</sup> Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Philip L. Smith  
P.O. Box 691  
York, South Carolina 29745  
(803) 628-3031  
Attorney for Carlton Dennis Saunders

York, South Carolina

June 12, 2017

**Sixteenth Circuit  
Public Defender  
Office**

Moss Justice Center  
1675-1E York Highway  
P.O. Box 691  
York, S.C. 29745



**Harry A. Dest**  
Sixteenth Circuit Defender

**Bryson J. Barrowclough**  
Deputy Public Defender

**Stacey D. Coleman**  
Juvenile Division

**Melissa A. Inzerillo**  
**Philip L. Smith**  
Sr. Assistant Public Defenders

Assistant Public Defenders  
**Monier Abusoft**  
**Walter Dusky**  
**Raiah Hirsch**  
**Mindy Lipinski**  
**Mark McKinnon**  
**Devon Nielson**  
**Jessica Russo**

Magistrate Court Division  
**Sherril Alford**  
**Toni Johnson**  
**Harris Kauffman**

June 12, 2017

Carlton Dennis Saunders, SCDC# 00229437  
Kirkland R&E  
4344 Broad River Road  
Columbia, South Carolina 29201

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**JUN 15 2017**

**SC Court of Appeals**

Union County Public Defender  
**Erik D. Delaney**  
**Jenny Williams**

Dear Mr. Saunders:

Enclosed please find certified copies of the Notice of Appeal, Rule 203(B) Explanation and Certificate of Service regarding your recent guilty plea. Please note that you must inform the South Carolina Court of Appeals in writing, within **twenty (20) days** of the date of this letter, of any arguable basis that there are issues preserved for appeal.

You must send your arguments for your appeal to the following address:

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

Sincerely,

Philip L. Smith  
Assistant Public Defender  
Sixteenth Judicial Circuit

PLS/jmd

Enclosure

cc: South Carolina Court of Appeals

COUNTY OF YORK

STATE VS.

CARLTON DENNIS SAUNDERS

AKA: Carlton Denn Saunders

Race: Black Sex: M Age: 55

DOB: 1/19/1961 SS#: 5229

Address: 217 Morgan St

City, State, Zip: Rock Hill, SC 29730-3939

DL# 004192736 SID# SC00728452

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: Domestic Violence, 1st Degree

In violation of § 16-25-0020(B) of the S.C. Code of Laws, bearing CDR Code # 3811

INDICTMENT/CASE#: 2017GS4600754
A/W: 2016A4620302227
Date of Offense: 11/23/2016
S.C. Code §: 16-25-0020(B)
CDR Code #: 3811

SENTENCE SHEET RECEIVED

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SC Court of Appeals

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.

ATTEST:

Ivey N. Blair Assistant Solicitor 102192 SC Bar #
Carlton Saunders Defendant
Attorney for Defendant 66593 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections or County Detention Center, for a determinate term of 6 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/month/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 Service 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 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: \$
Payment Terms: Obtain GED

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §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/Prob) \$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) \$, TOTAL \$125.

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: DV probation permanent of from victim

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: David Hamilton
Court Reporter: Maggie Woods
SCCA/217 (07/2016)

Presiding Judge:
Judge Bar ID:
Sentence Date: 5-18-17

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on February 16, 2017, the Grand Jurors of York County present upon their oath:

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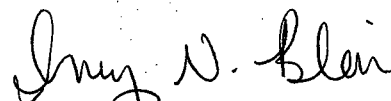
DOMESTIC VIOLENCE, 1ST DEGREE

JUN 15 2017

SC Court of Appeals

The defendant, Carlton Dennis Saunders, on or about November 23, 2016 in York County, South Carolina, did cause physical harm or injury to Dora Saunders, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. In addition, the act resulted in great bodily injury to the household member or the act was accomplished by means likely to result in great bodily injury to the household member and/or the defendant has two or more prior convictions for domestic violence within ten years of the current offense. All in violation of 16-25-0020(B), *Code of Laws of South Carolina (1976, as amended)*.

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



IVEY N. BLAIR  
ASSISTANT SOLICITOR

**WITNESSES**

RHPD

Witnessing Officer: *Tripp*

**ARREST WARRANT NUMBER**

2016A4620302227

**ACTION OF GRAND JURY**

**TRUE BILL**

*Estew*

Foreperson of Grand Jury

Date: *2-16-17*

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-46-00754

**The State of South Carolina**

County of York

**COURT OF GENERAL SESSIONS**

FEBRUARY 16, TERM 2017

THE STATE

VS.

**CARLTON DENNIS SAUNDERS**

INDICTMENT FOR

**DOMESTIC VIOLENCE, 1ST DEGREE**

SC Code: § 16-25-0020(B)

CDR Code: 3811

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

**Defendant**

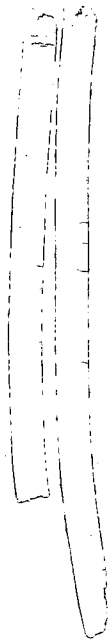
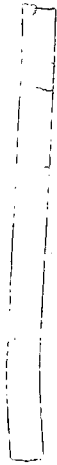
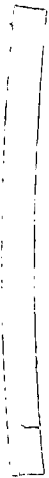
I \_\_\_\_\_  
hereby appear in my own proper person and plead guilty to the within indictment or to

*Carlton Saunders*

**Defendant**

**Witness:**

*R. Pruitt - Ct. Spec.*  
C.C.C. PLS. AND G.S.



**Sixteenth Circuit  
Public Defender  
Office**

Moss Justice Center  
1675-1E York Highway  
P.O. Box 691  
York, S.C. 29745



**Harry A. Dest**  
Sixteenth Circuit Defender

June 12, 2017

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: Carlton Dennis Saunders (Indictment No.: 2017-GS-46-00754)

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal, Rule 203(B) Explanation, and Certified Certificate of Service in the above captioned matter. On May 18, 2017, the Appellant pled guilty to Domestic Violence 1<sup>st</sup> degree and received a sentence of six (6) years provided upon the service of one (1) year and three (3) years of probation. Copies of these documents were sent under separate cover letter to the defendant. A copy of said letter is included in this packet.

Sincerely,

Philip L. Smith  
Assistant Public Defender  
Sixteenth Judicial Circuit

PLS/jmd

Enclosures

Bryson J. Barrowclough  
Deputy Public Defender

Stacey D. Coleman  
Juvenile Division

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