

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

APPEAL FROM YORK COUNTY
Court of General Sessions

G. Michael Nettles, Circuit Court Judge

Case Nos.: 2012-GS-46-4421, 2012-GS-46-4422
2012-GS-4423

The State of South Carolina, Respondent
v.

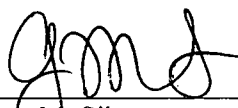
Tonya Denise Hinson, Appellant

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DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

NOTICE OF APPEAL

Tonya Denise Hinson appeals her conviction and the sentence imposed by the Honorable G. Michael Nettles. On December 18, 2012, the Appellant pled guilty to Burglary 2nd degree (Indictment No. 2012-GS-46-4421), Financial Transaction Card Fraud (Indictment No. 2012-GS-46-4422) and Petit Larceny (Indictment No. 2012-GS-46-4423). The Appellant received concurrent sentences of five (5) years suspended upon the service of three (3) years with one (1) year probation, one (1) year, and thirty (30) days, respectively.



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

This 21st day of December, 2012.
York, South Carolina

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

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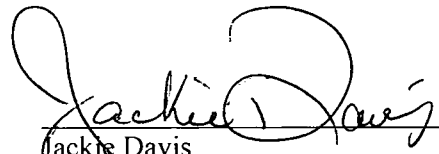
Tonya Denise Hinson, Appellant

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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. Tonya Denise Hinson was served upon Assistant Solicitor Jenny Desch on December 21, 2012, 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 Amy M. Sikora
Attorney for the Defendant

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
)
State of South Carolina)
)
-vs-)
)
Tonya Denise Hinson,)
)
)
Defendant.)
)
_____)

Indictment Nos.: 2012-GS-46-4421, 4422, 4423

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C.C.C.P. & G.S.
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 three year sentence upon the Appellant after she pled guilty to Burglary 2nd degree, Financial Transaction Card Fraud, and Petit Larceny.

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 (4th 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,



Amy M. Sikora
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Tonya Denise Hinson

York, South Carolina

December 21, 2012

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**Sixteenth Circuit
Public Defender
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1675-1E York Highway
P.O. Box 691
York, S.C. 29745



Harry A. Dest
Sixteenth Circuit Defender

December 21, 2012

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

Re: Tonya Denise Hinson (Indictment No.: 2012-GS-46-4421, 4422, 4423)

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 December 18, 2012 the Appellant pled guilty to Burglary 2nd degree (Indictment No. 2012-GS-46-4421), Financial Transaction Card Fraud (Indictment No. 2012-GS-46-4422) and Petit Larceny (Indictment No. 2012-GS-46-4423). The Appellant received concurrent sentences of five (5) years provided upon the service of three (3) years followed by one (1) year probation, one (1) year, and thirty (30) days, respectively. Copies of these documents were sent under separate cover letter to the defendant.

Sincerely,

Amy M. Sikora
Assistant Public Defender
Sixteenth Judicial Circuit

AMS/jmd

Enclosures

Bryson J. Barrowclough
Deputy Public Defender

Stacey D. Coleman
Family Court Division

Philip L. Smith
Daniel D. Hall
Sr. Assistant Public Defenders

Assistant Public Defenders
Melissa A. Inzerillo
Mark T. McKinnon
E. Ashley Anderson
Amy M. Sikora
Judah N. VanSyckel
Mindy Hervey Lipinski

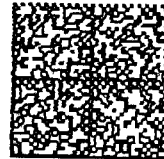
Magistrate Court Division
Toni L. Johnson
J. Creighton Hayes

Union County Public Defender
Erik D. Delaney

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**16th JUDICIAL CIRCUIT
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