

NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT OF GENERAL SESSIONS

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BERKELEY COUNTY
Court of General Sessions**

Deadra L. Jefferson, Circuit Court Judge

Case No. 2016-GS-47-02

RECEIVED

The State,

Respondent,

APR 03 2019

v.

SC Court of Appeals


Justin G. Hunter,

Appellant.

NOTICE OF APPEAL

Justin Hunter appeals his conviction and sentence in this case. A sealed sentence was imposed by the Honorable Deadra L. Jefferson on July 18th, 2018. Mr. Hunter initiated an appeal that was dismissed without prejudice because of a pending post-trial motion under Appellate Case No. 2018-001412. Mr. Hunter's timely filed post-trial Motion for Reconsideration of his sentence was permitted, Mr. Hunter was resentenced on March 11th, 2019 and counsel received a copy of his amended sentencing sheet via email on March 12th, 2019.

March 19, 2019
Charleston, SC


Adam Owensby, Esquire
THE CAROLINA FIRM, LLC.
Post Office Box 21043
Charleston, SC 29413
Tel.: (843) 732-2326
Fax: (843) 492-5757

Other Counsel of Record:
Joshua Underwood
Senior Assistant Attorney General
1000 Assembly St.
Columbia, South Carolina 29201
(803) 734-3970
Attorney for Respondent

ORIGINAL FILED

MAR 29 2019

**JAMES R. PARKS
CLERK, STATE GRAND JURY**

carolinafirm@outlook.com

From: Chandra Squirewell <CSquirewell@scag.gov>
Sent: Tuesday, March 12, 2019 9:25 AM
To: adam@carolinafirm.com
Cc: Jim Parks; Peggy Self
Subject: Justin Hunter
Attachments: Justin Hunter-Amended Sentence Sheet (01913456xD2C78).PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached a copy of the revised sentencing sheet. Thanks

Chandra Squirewell
Assistant Clerk
State Grand Jury Clerk's Office

FILED

JUL 18, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

BERKELEY

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE

INDICTMENT/CASE#: 2016-GS-47 -02 (Count 1)

VS.
JUSTIN GORDON HUNTER

AW#: Direct Presentment

AKA: "MO"

Date of Offense: 1/1/2015 - 4/12/2016

Race: B

Sex: M

Age: 33

S.C. Code §: 44-53-370(e)(3)(c)

DOB:

SS#:

CDR Code #: 0149

Address:

City, State, Zip:

DL#

SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: **TRAFFICKING ILLEGAL DRUGS (Heroin) 28 GRAMS OR MORE (CONSPIRACY)**

In violation of § 44-53-370(e)(3)(c) of the S.C. Code of Laws, bearing CDR Code# 0149

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Assistant Attorney General SC Bar # 76207

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 25-25 days/months/years or under the Youthful Offender Act not to exceed 25 years and/or to pay a fine of \$200.00; provided that upon the service of 25-25 days/months/years and/or payment of \$200.00; plus costs and assessments as applicable; the balance is suspended with probation for 25 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: All till 7/28/17
 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: \$ _____

_____ days/hours Public Service Employment

Payment Terms:

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient:

May serve W/E beginning
Substance Abuse Counseling

*Fines:

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning \$ _____ Paid to Public Defender Fund

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</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>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	\$	\$ <u>8.25</u>

Other: _____

TOTAL

\$ 283.25

Clerk of Court/Deputy Clerk

James R. Parks

Court Reporter:

Denise London

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

Judge Code: 2028

Sentence Date 7/28/17

Plea Accepted Date(if different): _____

SCCA/217 (07/2016)
Sentence Amended 3/11/19 pursuant to Defendant's Motion For Reconsideration of Sentence after a full hearing.

PROOF OF SERVICE OF A NOTICE OF APPEAL

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BERKELEY COUNTY
Court of General Sessions
Honorable Deadra L. Jefferson, Circuit Court Judge**

**Case No. Pending
Warrant No. 2016-GS-47-02**

The State of South Carolina,

Respondent,

v.

Justin Gordon Hunter,

Appellant.

PROOF OF SERVICE

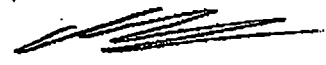
I hereby certify that on March 19, 2019, I served a true and correct copy of the filed:

NOTICE OF INTENT TO APPEAL

- By personal service;
 - By depositing the same in the United States Mail, postage prepaid;
 - By facsimile;
- to the following persons:

Clerk of Court of Appeals; Joshua Underwood, SCAG

March 19, 2019
Charleston, SC



Adam Owensby, Esq.
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Charleston, South Carolina 29413
adam@carolinafirm.com
(843) 732-2326; (843) 492-5757 (fax)



The Carolina Firm LLC

Licensed in South Carolina

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Physical Location:

215 East Bay St., Suite 500-F
Charleston, SC 29401

Mailing Address:

P.O. Box 21043
Charleston, SC 29413

March 19, 2019

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

**RE: The State, Respondent v. Justin Gordon Hunter, Appellant
Case No. 2016-GS-47-02**

Dear Clerk:

Mr. Hunter is respectfully requesting an additional thirty days to request a transcript in Mr. Hunter's case.

An Affidavit of Indigency and application for representation will be sent to the Office of Appellate Defense. As soon as Appellate Defense receives the application, I anticipate he will qualify for representation.

Sincerely,

Adam Owensby, Esq.

FAX

Date: 04/03/2019

Pages including cover sheet: 7

To:	18037341839@rcfax.com
Phone	
Fax Phone	(803) 734-1839

From:	Adam Owensby
	The Carolina Firm LLC
	PO Box 21043
	Charleston
	SC 29413
Phone	18435302232
Fax Phone	18434925757

NOTE:

State v. Hunter 2019-000469



The Carolina Firm LLC

Adam Owensby: adam@carolinafirm.com

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Physical Location:

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April 3, 2019

Jenny Abbott Kitchings
Court of Appeals Clerk of Court
P.O. Box 11629
Columbia, SC 29211
Via Mail & Facsimile to 803.734.1839

RECEIVED

APR 03 2019

SC Court of Appeals

**Re: State vs. Justin Gordon Hunter
Case No. 2019-000469**

Dear Ms. Kitchings:

Please find enclosed the proof of filing with the Clerk of Grand Jury in the above referenced matter. If you have any questions or concerns, please do not hesitate to contact my office at your earliest convenience.

Thank you for your attention to this matter.

Sincerely,

Adam Owensby, Esq.