

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of General Sessions
The Honorable J. Derham Cole

RECEIVED
Jul 16 2020
SC Court of Appeals

Case No.: 2019-001778

Shaun Rogers, Jr.,

Petitioner,

vs.

State of South Carolina,

Respondent.

RETURN TO RESPONDENT'S MOTION TO STRIKE
AND
MOTION TO AMEND NOTICE OF APPEAL

Appellant, through his undersigned counsel, would respectfully show unto the Court as follows:

Appellant acknowledges Respondent's concerns regarding the additional charges that are mentioned in his initial brief. These were not included in the original notice of appeal, nor do they appear as convictions on Appellant's SCDC inmate information page [**Exhibit 1**]. However, upon further review of the transcript in preparation of the appeal, undersigned counsel learned that Appellant had pleaded guilty pursuant to North Carolina vs. Alford, 400 U.S. 25, 91 S. Ct. 160 (1970) to charges on which the jury hung in order to avoid retrial. Though he was only sentenced

for the two charges for which he was found guilty by the jury (burglary in the first degree (dwelling) and attempted armed robbery), the other charges create a technicality that must be considered. Overturning these two convictions yet leaving the others standing would create a miscarriage of justice. Regardless of these related charges, Appellant's initial brief only materially addresses the two charges of which Appellant was found guilty and Respondent argues are relevant. Undersigned counsel, out of an abundance of caution and through zealous representation, merely endeavors to ensure that all issues are consolidated into this one appeal.

Separately, Appellant sees no relevance for Respondent's argument regarding conditional guilty pleas. As stated, these pleas were entered pursuant to Alford, which is still valid in South Carolina, a fact Respondent admits. No other conditions existed at the time of entry of the pleas.

WHEREFORE, Appellant move to amend his notice of appeal to include all charges for which he was found or pleaded guilty and for his initial brief to stand. An amended notice of appeal is attached for the court's consideration.

Respectfully submitted,

TOMMY A. THOMAS
Bar No.: 005536
Post Office Box 88
Irmo, SC 29063
(803) 732-5507

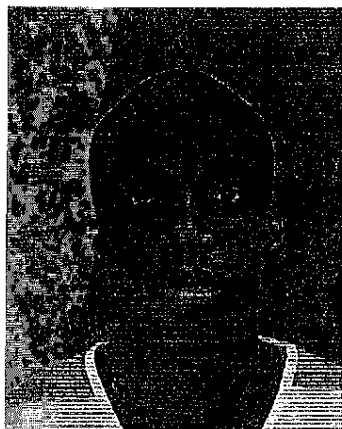
By: 

Attorney for Petitioner

July 16, 2020

INMATE SEARCH DETAIL REPORT

ROGERS JR, SHAUN (00381643)



INMATE DESCRIPTION		INMATE SENTENCE AND LOCATION	
SEX:	MALE	SCDC ID:	00381643
RACE:	BLACK	SID:	SC02843700
HEIGHT:	6' 09"	OFFENDER TYPE:	ADULT-STRAIGHT SENTENCE
WEIGHT:	146 lbs.	ADMISSION DATE:	10/11/2019
AGE:	20	LOCATION:	LEE
CITIZENSHIP:	CITIZEN - NATIVE BORN	DORM-ROOM-BUNK:	F1B-1207-B
BUILD:	SMALL	EWC LEVEL:	
COMPLEXION:	DARK	EEC LEVEL:	3F
HAIR COLOR:	BLACK	PROJECTED RELEASE DATE:	09/29/2035
EYE COLOR:	BROWN	PROJECTED PAROLE ELIGIBILITY:	NOT ELIGIBLE
PICTURE DATE:	10/11/2019	SUP. FURLOUGH ELIGIBILITY:	NOT ELIGIBLE
SUP. RE-ENTRY DATE:			

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MO5	DYS	COUNTY	START DATE	V/NV	CAT	INDICT	STATUS
ATTEMPTED ARMED ROBBERY	ADULT-STRAIGHT SENTENCE	20	0	0	CHEROKEE	10/03/2018	V	4	19GS1100691	ACTIVE
BURGLARY-1ST DEGREE	ADULT-STRAIGHT SENTENCE	20	0	0	CHEROKEE	10/03/2018	V	4	19GS1100694	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARY SANCTIONS

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEMS FOR 10 JANUARY 2009

DATE	DESCRIPTION
03/18/2020	USE, POSS NARC, MARIJ, UNAUTH DRUG, INHALANT
	LOSS OF CANTEEN PRIVILEGES FOR 160 DAYS
	DISC. DETENTION FOR 80 DAYS
	LOSS OF TELEPHONE PRIVILEGES FOR 150 DAYS
	LOSS OF TELEVISION PRIVILEGES FOR 360 DAYS
	LOSS OF VISITATION PRIVILEGES FOR 150 DAYS

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
02/10/2020	LEE	INCARCERATED	RETURN FROM COURT
02/10/2020	CHEROKEE CO	AUTH ABSENCE (AWL)	TO COURT
12/30/2019	LEE	INCARCERATED	ADMINISTRATIVE
12/11/2019	KIRKLAND	INCARCERATED	RETURN FROM COURT
12/10/2019	CHEROKEE CO	AUTH ABSENCE (AWL)	TO COURT
11/05/2019	KIRKLAND	INCARCERATED	RETURN FROM COURT
10/31/2019	CHEROKEE CO	AUTH ABSENCE (AWL)	TO COURT
10/11/2019	KIRKLAND	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS

NO EARNED WORK CREDITS DURING CURRENT INCARCERATION

EARNED EDUCATION CREDITS

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
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Shuan Rogers, Jr.,

Appellant

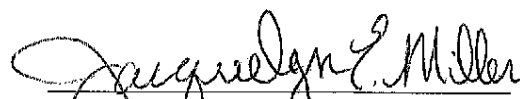
vs.

State of South Carolina,

Respondent.

CERTIFICATE OF SERVICE

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, Attorney for the Appellant hereby certify that pursuant to an Order of the Supreme Court dated March 20, 2020 regarding Operation of the Appellate Courts During the Coronavirus Emergency, I email a copy of the Initial Brief of Appellant and Designation of Matter to William M. Blicht, Jr., Esq., at the Office of the Attorney General, at wblitch@scag.gov



Jacquelyn E. Miller
TOMMY A. THOMAS, Esq.
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Post Office Box 88
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July 16, 2020

Jackie Miller

From: Jackie Miller
Sent: Thursday, July 16, 2020 1:40 PM
To: William Blitch
Subject: State v. Shaun Rogers
Attachments: rogers.return.pdf

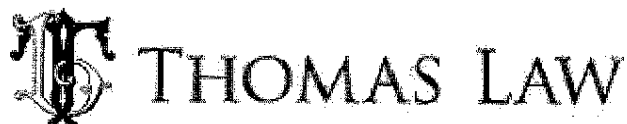
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SC Court of Appeals

Jackie Miller

Paralegal to Tommy Thomas, Esq.



Tommy A. Thomas, PC

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[Website](#)



July 16, 2020

V. Clare Allen, Deputy Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Jul 16 2020

SC Court of Appeals

RE: State v. Shaun Rogers, Jr.
Appellate Case No.: 2019-001778

Dear Ms. Allen:

Attached please find a Return to Respondent's Motion to Strike and Motion to Amend Notice of Appeal along with a Certificate of Service.

Thank you. Should you have any questions, or need any additional information, please do not hesitate to contact me.

Yours truly,

Tommy A. Thomas,
Attorney at Law

TAT/jem

cc: William M. Blich, Jr., Esq.
Shaun Rogers, Jr.

TOMMY A. THOMAS, P.C.

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