

STATE OF SOUTH CAROLINA

In the Court of Appeals

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

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

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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.

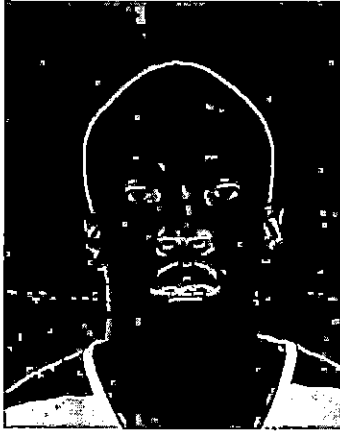
Respectfully submitted,

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

By: 

Attorney for Petitioner

July 16, 2020



INMATE DESCRIPTION		INMATE SENTENCE AND LOCATION	
SEX:	MALE	SCDC ID:	00381643
RACE:	BLACK	SID:	SC02343700
HEIGHT:	5' 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	MOS	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 SYSTEM PRIOR TO JANUARY 2009

DATE	DESCRIPTION
03/18/2020	USE, POSS NARC, MARIJ, UNAUTH DRUG, INHALANT
	LOSS OF CANTEEN PRIVILEGES FOR 150 DAYS
	DISC. DETENTION FOR 60 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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## Jackie Miller

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

### Jackie Miller

Paralegal to Tommy Thomas, Esq.



# THOMAS LAW

### Tommy A. Thomas, PC

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Shuan Rogers, Jr.,

Appellant

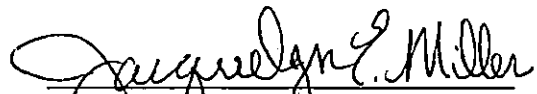
vs.

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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](mailto:wblitch@scag.gov)



Jacquelyn E. Miller  
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SC Court of Appeals

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

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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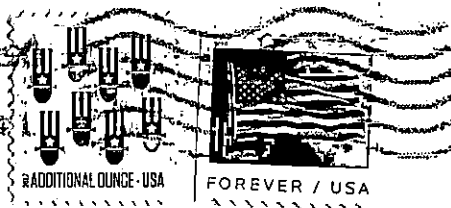


**THOMAS LAW**

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V. Clare Allen, Deputy Clerk  
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