

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
FROM AIKEN COUNTY
THE HONORABLE CLIFTON NEWMAN

*mailed
10/10/19
jmc*

October 4, 2019

Indictment # 2019-GS-02-01650

THE STATE OF SOUTH CAROLINA -- Respondent

VS.

CHRISTOPHER MICHAEL HERNDON -- Appellant

NOTICE OF INTENT TO APPEAL

Christopher Herndon pled guilty and was convicted of Grand Larceny on September 30, 2019 before the Honorable Clifton Newman in Aiken, South Carolina. He appeals his conviction and sentence.



Nicholas R. McCarley
Attorney for Defendant

Other Counsel of record is:

Jacqueline Charbonneau
Assistant Solicitor
Post Office Box 3368
Aiken, South Carolina 29802

RECEIVED

OCT 08 2019

SOLICITOR

Master Case No.

2019 02 1408 JMC

NOTICE OF INTENT TO APPEAL
State of South Carolina
Vs:
Christopher Michael Herndon
2019-GS-02-01650

CERTIFICATE OF SERVICE

I, Aaron Velez, do hereby certify that I have this day served the original of Appellate's Notice to Appeal upon the South Carolina Court of Appeals, and copies of Appellate's Notice of Intent to Appeal to the Clerk of Court of Aiken County, and to Jacqueline Charbonneau, Assistant Solicitor, Second Judicial Circuit by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

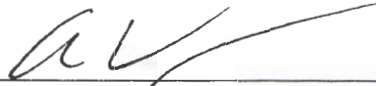
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

South Carolina Commission
Of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

Clerk of Court
Aiken County Judicial Circuit
Post Office Box 583
Aiken, SC 29802

Jacqueline Charbonneau
Assistant Solicitor
Post Office Drawer 3368
Aiken, South Carolina 29802

Dated this 7th day of October, 2019



Aaron Velez
Secretary to Appellant's Attorney
Post Office Drawer 2247
Aiken, SC 29802
803-642-1732

STATE OF SOUTH CAROLINA)	STATE OF SOUTH CAROLINA
)	IN THE COURT OF APPEALS
)	
)	INDICTMENT #: 2019-GS-02-01650
)	
vs.)	
)	
CHRISTOPHER MICHAEL HERNDON)	
)	
DEFENDANT)	
_____)	

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. The Defendant then did make contact with an attorney in the Public Defender’s Office telling him that he wanted an appeal filed on his case. 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 *Frazier v. South Carolina*, 430 F.3d 696, 706 (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,



Nicholas R. McCarley
Circuit Public Defender
Post Office Drawer 2247
Aiken, South Carolina 29802
803-642-1732

October 4, 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.

Christopher Micheal Herndon

AKA:

Race: White Sex: M Age: 47

DOB: 02-09-1972 SS#: 250-23-3601

Address: 404 New Bridge Rd

City, State, Zip: Aiken, SC 29801-9131

DL#: 008993903 SID#: SC00678370

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Grand Larceny \$10,000 or more

INDICTMENT/CASE#: 2019GS0201650

A/W#: 2019A0220100589

Date of Offense: 7/4/2019

S.C. Code §: 16-13-30(B)

CDR Code #: 3421

SENTENCE SHEET

NMT 10mo
w/ or discont

CONVICTED OF or PLEADS

in violation of § 16-13-30(B) of the S.C. Code of Laws, bearing CDR Code # 3421
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, (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Solicitor 103430 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 8 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 days/months/years and/or payment
of \$: plus costs and assessments as applicable*: the balance is suspended with probation for

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:
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 SCDOC.

The Defendant is to be placed on the 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 DeL Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

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) \$35, Proviso (Public Def/Probation) \$500, § 14-1-212 (Law Enforc. 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) \$ 3.75, TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Angel Miles

Court Reporter: Brenda Sigwald

SCCA:217 (04/2018)

PTUP

days-hours Public Service Employment

Obtain GED

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

mnts. of \$ beginning

\$ paid to Public Defender

Other:

Appointed PD or appointed other counsel. Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2129

Sentence Date: 9/30/19

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Hines, Clerk of Court of Criminal, Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original document which have been filed in my office this 9th day of October 2019.
C.C.C.P. § 6, Aiken County, SC
Deputy Clerk

WITNESSES

Aiken Department Of Public Safety

Dixie L Busbee

Law Enforcement Case #: 19-03236

DOCKET NO. 2019GS0201650

The State of South Carolina

County of Aiken

JMC

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

SEPTEMBER TERM 2019

2019A0220100589

FILED August 29 20 19

Robert J. Harle
C.C.C.P. & G.S.
Katie S. Williams
Deputy Clerk

THE STATE
vs.

CHRISTOPHER MICHEAL HERNDON

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: August 29, 2019

VERDICT

Foreperson of Petit Jury
Date:

CDR #: 3421

Indictment for

GRAND LARCENY

§ 16-13-30(B)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harle, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 9 day of October 20 19
Robert J. Harle
C.C.C.P. & G.S., Aiken County, S.C.
Barbara A. Staley
Deputy Clerk

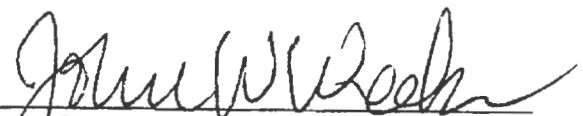
STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
GRAND LARCENY
§ 16-13-30(B)

At a Court of General Sessions, convened on September 03, 2019, the Grand Jurors of Aiken County present upon their oath:

That **CHRISTOPHER MICHEAL HERNDON** did in Aiken County on or about July 4, 2019, feloniously take a 2019 Infiniti Q50 vehicle valued at Ten Thousand Dollars or more and belonging to Shelia Jackson with intent to deprive the owner permanently of such property. All in violation of §16-13-30, 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.


J. STROM THURMOND, SOLICITOR