

THE FARLEY LAW FIRM, LLC  
139 EAST BUTLER ST. SUITE 2  
LEXINGTON SC 29072

**RECEIVED**

AUG 23 2021

**SC Court of Appeals**

andrew@afarleylaw.com  
attorneyguardian@gmail.com

Telephone: (803) 359-0428

August 11, 2021

Jenny Abbott Kitchens, Clerk of Court  
SC Court of Appeals  
PO Box 11629  
Columbia, SC 29211

RE: The State v Tobias M. Thomas

Dear Ms. Kitchens:

Enclosed please find the Original of the Certificate of Service and Sentencing Sheets for filing in the above matter.

If you have any questions, please give me a call.

Sincerely,



Amy Smith  
Paralegal to Andrew Farley

/ads  
Enclosure

**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 AIKEN COUNTY  
Court of General Sessions

The Honorable Jocelyn Newman, Circuit Court Judge

Case No. 2020-GS0202070-72

Tobias Marquez Thomas

Applicant

v.

State of South Carolina

Respondent.

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on M. Bradley McMillian, Assistant Solicitor by depositing a copy of it in the United States Mail, postage prepaid, on July 21, 2021, addressed to: M. Bradley McMillian, Assistant Solicitor, Attorney for Respondent, PO Box 3368, Aiken, South Carolina, 29803



Amy Keller-Smith, Paralegal  
Law Office of Andrew B. Farley, Esq.  
137 East Butler St Suite 2  
Lexington SC 29072  
(803) 359.0428  
Attorney for Appellant

Other Counsel of Record:  
M. Bradley McMillian, Assistant Solicitor  
Attorney for Respondent  
PO Box 3368  
Aiken, South Carolina 29803

**RECEIVED**

AUG 23 2021

**SC Court of Appeals**

RECEIVED

STATE OF SOUTH CAROLINA

AUG 23 2021

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2020 - GS - 02 - 02070

Tobias Marquez Thomas

AW#: 2020A0220100352

AKA:

Date of Offense: 3/31/2020

Race: Black Sex: M Age: 23

S.C. Code §: 16-11-0330(B)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 0026

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL#\* \_\_\_\_\_ SID# \_\_\_\_\_

SENTENCE SHEET 0 - 20 years

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Robbery / Attempted armed, or allegedly armed, robbery

In violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

M B M M O 100386 Tobias Thomas [Signature] 75281  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 10 days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served 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.

The sentence shall run

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 SCDOC.

13 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Tobias Marquez Thomas INDICTMENT/CASE#: 2020 - GS - 02 - 02070

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100. <sup>00</sup>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25. <sup>00</sup>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
<b>TOTAL</b>		<b>\$ 128.75</b>

Clerk of Court/Deputy Clerk: *Devenese*  
Court Reporter: *DCRP*

Presiding Judge: *Judge Newman*  
Judge Code: *2151*  
Sentence Date: *July 20, 2021*

WITNESSES

Aiken Department Of Public Safety

Ronald J Griffin

Law Enforcement Case #: 20-01688

MBM

ARREST WARRANT NUMBER

2020A0220100352 ... 3 December ..20

*[Handwritten signature]*  
*[Handwritten signature]*

ACTION OF GRAND JURY

*True* *Bill*

Foreperson of Grand Jury  
Date: December 3, 2020

*[Handwritten signature]*

VERDICT

*Guilty*

Foreperson of Petit Jury

Date: *7/20/2021*

*Diana Russell Cook*

DOCKET NO. 2020GS0202070

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE

vs.

TOBIAS MARQUEZ THOMAS

CDR #: 0026

Indictment for

ATTEMPTED ARMED ROBBERY

§ 16-11-0330(B)

J. STROM THURMOND, SOLICITOR

RECEIVED

AUG 23 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

INDICTMENT FOR  
ATTEMPTED ARMED ROBBERY

§ 16-11-0330(B)

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That TOBIAS MARQUEZ THOMAS did in Aiken County on or about March 26, 2020, while armed with a deadly weapon or while alleging either by action or words that he was armed with a handgun, attempt to feloniously take from the person or presence of Michael Parrish by means of force or intimidation goods or monies of Michael Parrish, to wit: cash, in violation of §16-11-330 of the 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

RECEIVED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

AUG 23 2021

STATE

SC Court of Appeals

INDICTMENT/CASE#: 2020 - GS - 02 - 02071

VS.

Tobias Marquez Thomas

AW#: 2020A0220100353

AKA:

Date of Offense: 3/31/2020

Race: Black Sex: M Age: 23

S.C. Code §: 16-23-0490

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 0549

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# \_\_\_\_\_

SENTENCE SHEET 5 years

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

MBM 100386 Tobias Thomas [Signature] 75281  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 5 days/months/years Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served 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.

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on: 2020 GS0202072 (July 20, 2021)

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.  
13 days/months  
 To include time spent on monitored house arrest prior to trial and sentencing.  
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Tobias Marquez Thomas INDICTMENT/CASE#: 2020 - GS - 02 - 02071

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

**\*Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$
§56-5-2995 (DUI Assessment)		\$12	\$
§56-1-286 (DUI Breath Test)		\$25	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)		\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$
§50-21-114 (BUI Breath Test Fee)		\$50	\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$
3% to County (if paid in installments)		TBD	\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$
<b>TOTAL</b>			<b>\$ 128.75</b>

Clerk of Court/Deputy Clerk: Tabya Franzi-Hynes  
 Court Reporter: DCEP

Presiding Judge: Judith Newman  
 Judge Code: 2757  
 Sentence Date: July 20, 2021

WITNESSES

Aiken Department Of Public Safety

Ronald J Griffin

Law Enforcement Case #: 20-01688

MBM

ARREST WARRANT NUMBER

2020A0220100353

*3 December 20*  
*am*

ACTION OF GRAND JURY

*True Bill*

Foreperson of Grand Jury  
Date: December 3, 2020

*[Signature]*

VERDICT

*Guilty*

Foreperson of Petit Jury

Date: *7/20/21*

DOCKET NO. 2020GS0202071

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE

vs.

TOBIAS MARQUEZ THOMAS

CDR #: 0549

Indictment for

POSSESSION OF A WEAPON DURING  
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

J. STROM THURMOND, SOLICITOR

RECEIVED

AUG 23 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

)  
)  
)  
)

INDICTMENT FOR  
POSSESSION OF A WEAPON DURING  
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That TOBIAS MARQUEZ THOMAS did in Aiken County on or about March 26, 2020, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, 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

**he Farley Law Firm, LLC**  
**137 East Butler St.**  
**Lexington, SC 29072**

**\$1.60**  
US POSTAGE  
FIRST-CLASS  
062S0011485644  
FROM 29072

**RECEIVED**  
AUG 23 2011  
SC Court of Appeals

**Jenny Abbott Kitchens, Clerk of Court**  
**SC Court of Appeals**  
**PO Box 11629**  
**Columbia, SC 29211**