

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
Court of General Sessions

Kristi Harrington, Circuit Court Judge

INDICTMENT NO.: 2011GS1008069

WARRANT NO.: M614275

THE STATE, .....RESPONDENT,

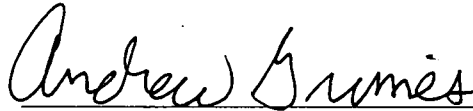
v.

KASHAUN BANKS, .....APPELLANT.

NOTICE OF APPEAL

Kashaun Banks appeals his conviction on April 25, 2013. The Honorable Kristi Harrington was the presiding trial judge in this case.

April 29, 2013



Andrew D. Grimes  
Megan S. Ehrlich  
Attorneys for Appellant  
O. T. Wallace County Office Building  
101 Meeting Street  
5<sup>th</sup> Floor  
Charleston, SC 29401  
(843) 958-1850

Other counsel of record are:  
Culver Kidd  
Assistant Solicitor  
O.T. Wallace County Office Building  
101 Meeting Street, 4<sup>th</sup> Floor  
Charleston, SC 29401  
(843) 958-1900  
Attorney for Respondent

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SC Court of Appeals

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Court of General Sessions

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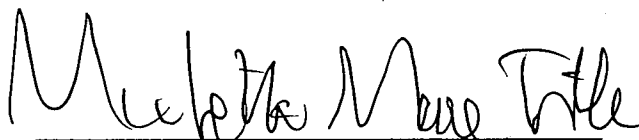
v.

KASHAUN BANKS, ..... APPELLANT.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Culver Kidd, Assistant Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office at 101 Meeting Street, Charleston, South Carolina 29401, on April 29, 2013.

April 29, 2013



Michelle Moore Trimble  
Paralegal to Andrew D. Grimes  
Attorney for Appellant  
O. T. Wallace County Office Building  
101 Meeting Street  
Fifth Floor  
Charleston, SC 29401  
(843) 958-1850

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston VS. STATE

INDICTMENT/CASE#: 2011GS1008069

Kashaun Shed Christin Banks

A/W#: M614275

AKA:

Date of Offense: 10/15/2011

Race: BLACK Sex: M Age: 18

S.C. Code §: 16-11-0330(A)

DOB: 12-29-1993 SS#: 131-88-1347

CDR Code #: 0139

Address: 636 Cashew Street Apt C

City, State, Zip: Charleston, SC 29407

DL#: 102647737 SID#: SC01992692

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Armed Robbery

CONVICTED OF or PLEADS

SENTENCE SHEET

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

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: Kidd, Culver SC Bar# 76671 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 12 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 State Department of Corrections.
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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

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/monthly pmts. of \$ beginning \$ paid to Public Defender Fund
Other:

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) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. 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, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Whitefield Hooker
Court Reporter: Koraune Wolpe

Presiding Judge: Kristi Hamilton
Judge Code: 2151
Sentence Date: 4/25/13

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON

Inv. *S. Hille*

AFFIDAVIT

OCA# 2011038637

Personally appeared before me, a magistrate of this County, one *M. Poulos*  
who first being duly sworn, deposes and says that

**KASHAUN BANKS**

did within this County and State on the 15th day of **October**, 2011, violate the criminal laws  
of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE  
**ARMED ROBBERY**  
VIOLATION OF SECTION  
**16-11-330**

The affiant states there is probable cause to believe that the defendant named above did commit the  
crime(s) set forth, and that such probable cause is based on the following facts:

That on October 15, 2011 at approximately 2150 hours, while at 3700 River Avenue  
(Exxon), which is located in the City of North Charleston, County of Charleston, and State of  
South Carolina, the defendant, **KASHAUN BANKS**, did commit the offense of **ARMED  
ROBBERY violation of section 16-11-330** of the South Carolina Code of Laws of 1976, as  
amended. In that the defendant did willfully, unlawfully and feloniously rob a person by putting  
fear by the use or threat of force and violence, and that the defendant alleged his actions or words  
that he was armed by using representation of a deadly weapon which a person would reasonably  
believe is a deadly weapon.

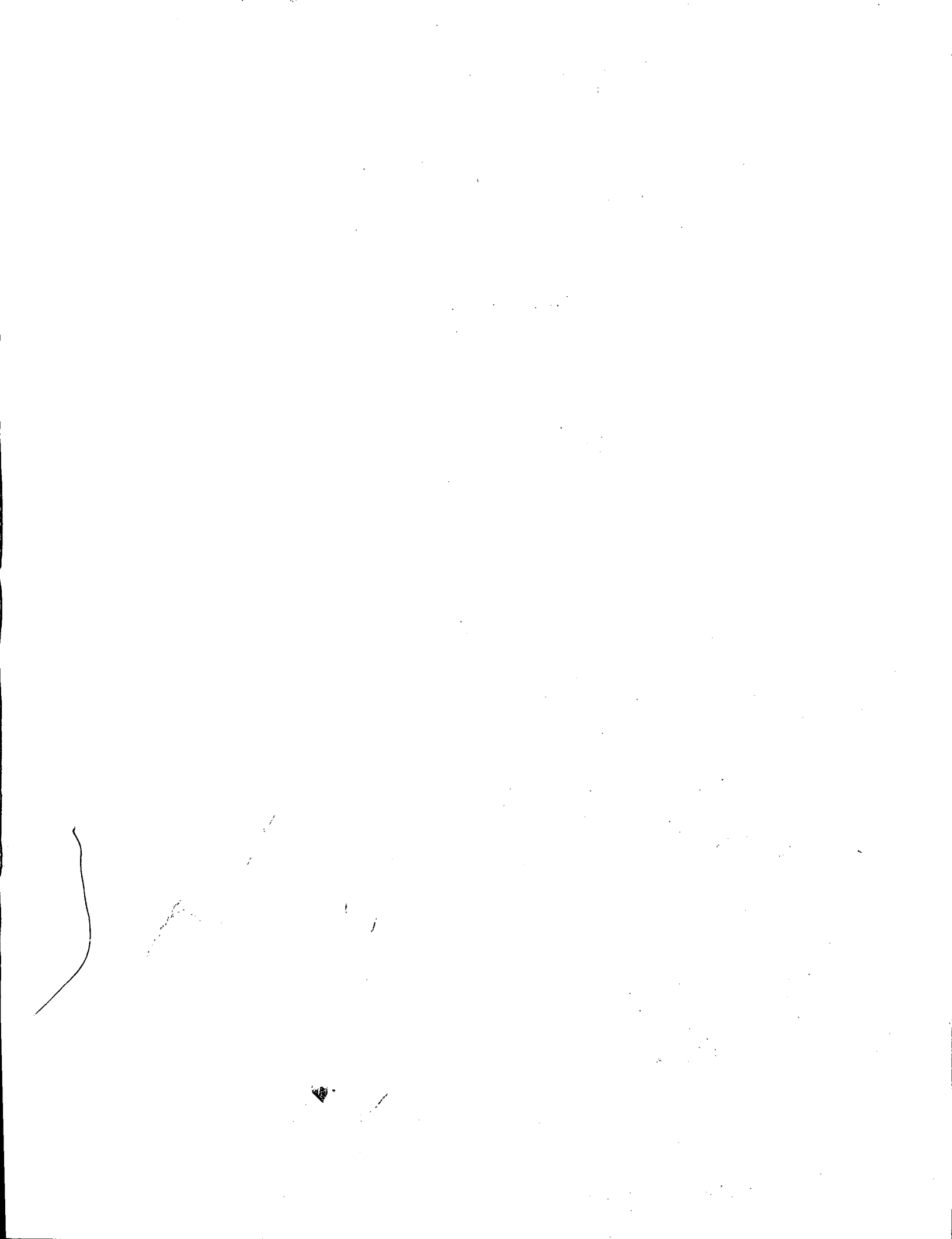
The defendant entered the business quickly from the rear entrance, armed with a large  
brown and black pistol, pointed it at the clerk (victim, Keisha Holmes) who was tending the  
register behind the counter and demanded money. In fear for her life the victim complied by  
removing the cash drawer and the defendant grabbed the drawer which contained approximately  
\$127.72 and fled the business on foot through the same door that he entered from. Keisha  
Holmes, Tenille Wilson, SGT. S. Hille, MPO Mcalhaney and MPO Cummins are witnesses to  
prove the same. This incident was recorded by the business video surveillance system. All this  
done against the form of the Statute and against the peace and dignity of the State of South  
Carolina.

Sworn to and Subscribed before me  
this 16 day of Oct  
2011.

  
Signature of Judge

  
(AFFIANT)

Address: 2500 City Hall Ln  
N. Charleston, SC 29406  
Phone: (843) 554-5700



Berkeley County  
219 N. Hwy. 52, Suite E  
P.O. Box 1687  
Moncks Corner, SC 29461  
(843) 899-2777  
(843) 899-2701 Fax  
Patricia A. Kennedy  
Chief County Public Defender

# Ninth Circuit Public Defender

*Berkeley & Charleston Counties*

D. Ashley Pennington, Circuit Defender  
publicdefender@charlestoncounty.org  
(843) 958-1850

Charleston County  
O.T. Wallace Building  
101 Meeting Street, 5<sup>th</sup> Floor  
Charleston, SC 29401-2214  
(843) 958-1850  
(843) 958-1860 Fax  
Lorelle D. Proctor  
Chief County Public Defender

April 30, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: State of South Carolina v. Kashaun Banks  
Indictment No.: 2011GS1008069  
Warrant No.: M614275  
Charge.: Armed Robbery

Dear Ms. Kitchings:

I am enclosing for filing the Notice of Intent to Appeal in the above-referenced case, together with appropriate Proof of Service upon the Circuit Solicitor and Proof of Filing with the local Clerk of Court. I represented Mr. Banks pursuant to the Defense of Indigents Act. By copy of this letter, I am forwarding a duplicate set of these documents to the South Carolina Commission of Appellate Defense.

Upon the filing of these documents, I would appreciate your returning the file-stamped copies of the respective documents to me in the enclosed, self-addressed envelope.

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,

*Andrew Grimes*  
Andrew D. Grimes  
Megan S. Ehrlich  
Attorneys for Appellant

enclosures

cc: South Carolina Commission of Appellate Defense (with enclosures)  
Mr. Kashaun Banks (with enclosures)

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**SC Court of Appeals**