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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Grace Gilchrist Knie, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMEUN JEFF SANDERS,

APPELLANT.

APPELLATE CASE NO. 2022-001631

MOTION TO SUSPEND APPEAL
AND REMAND TO CIRCUIT COURT
FOR POST TRIAL MOTIONS

Pursuant to Rule 240 of the South Carolina Appellate Court rules, undersigned counsel requests an order suspending this appeal and remanding the case to the circuit court to allow for post-trial motions to be heard for the trial originally held before the Honorable Grace Gilchrist Knie on November 7-10, 2022. While this motion is pending, Appellant asks this Court to hold the timelines for filing his initial brief of appellant and designation of matter in abeyance.

In support of his motion, Appellant would present the following:

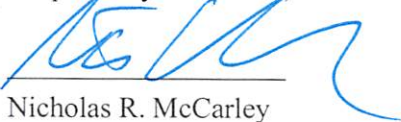
1. The undersigned represents Appellant in his Motion to Remand before this Court.
2. In order to allow for meaningful appellate review, the record must contain the post-trial motions.

PROCEDURAL HISTORY

3. Appellant was indicted by the Aiken County grand jury in May of 2021 on one count of Murder and one count of Possession of a Firearm During the Commission of a Violent Crime.

4. Appellant was tried by a jury in Aiken County before Judge Knie and found guilty of Murder and Possession of a Firearm During the Commission of a Violent Crime on November 10, 2022
5. On November 10, 2022, Judge Knie sentenced Appellant to 45 years for Murder and a concurrent 5 years for Possession of a Firearm During the Commission of a Violent Crime.
6. Following sentencing, Judge Knie directed counsel to contact her to schedule post-trial motions.
7. Appellant filed a Notice of Intent to Appeal on November 16, 2022 with the South Carolina Court of Appeals and the Court of General Sessions of the Second Judicial Circuit.
8. Appellant filed Defendant's Post-Trial Motions in Circuit Court on November 19, 2022.
9. Appellant filed a Motion for Reconsideration of Sentence in Circuit Court on December 19, 2022.
10. Subsequently, Judge Knie granted and scheduled a hearing on Appellant's Post-Trial Motions via WebEx on December 21, 2022. Before and during this hearing, Counsel for Appellant made Judge Knie aware of this jurisdictional issue and Judge Knie continued the hearing on Post-Trial motions.
11. Counsel for the Appellant was not aware filing the Notice of Intent to Appeal would remove jurisdiction from Circuit Court and, thus, deprive Petitioner of his right to have post-trial motions heard and ruled upon.
12. As such, Appellant respectfully requests this Court suspend this appeal and remand the case so the Circuit Court shall have jurisdiction for the purpose of hearing and ruling upon post-trial motions.
13. Furthermore, Appellant respectfully requests the time for appeal be stayed until receipt of written notice of Judge Knie's Order granting or denying post-trial motions.

Respectfully Submitted,



Nicholas R. McCarley
Counsel for Mr. Sanders
Deputy Public Defender
Second Judicial Circuit