

Melisa W. Gay, LLC
Attorney and Counselor at Law

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July 12, 2023

James Derick Major
SCDC Inmate Number 318906
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

RECEIVED
Jul 12 2023
SC Court of Appeals

**RE: Affidavit of Indigency
The State v. James Derick Major
Appellate Case No. 2023-001076**

Dear Mr. Major:

Enclosed, please find a copy of an Affidavit of Indigency. It is imperative that you promptly complete this Affidavit, have it notarized, and return it to me in the enclosed stamped/addressed envelope so I can forward it to the SC Commission on Indigent Defense as soon as possible so that your appeal can continue.

I do not represent clients on appeal. I filed your initial Notice of Intent to Appeal, however you need to ask for court-appointed Appellate counsel. The SC Commission on Indigent Defense should accept your case as soon as they receive this completed form.

Included herein you will also find a copies of your filed Notice of Intent to Appeal with Proof of Service, and a letter from the SC Court of Appeals acknowledging receipt of the Notice and assigning your appellate case number.

Sincerely,



Melisa W. Gay

cc: SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211

SC Commission on Indigent Defense
Robert Michael Dudek, Esquire
Post Office Box 11589
Columbia, SC 29211

Richardson Hunt Russell
Mallory V. Haliena
Charleston County Solicitor's Office
Ninth Judicial Circuit
101 Meeting Street, Suite 400
Charleston, SC 29401

SC Attorney General's Office
Alan McCroy Wilson
William M. Blich Jr.
Post Office Box 11549
Columbia, SC 29211

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

AFFIDAVIT OF INDIGENCY

Case Name _____

Criminal Case No. _____

Current Address: _____

Are you incarcerated? Yes (If "Yes") Where? _____
 No

What were you convicted of? _____

What was your sentence? _____

Are you appealing from
_____ trial, _____ guilty plea _____ a post-conviction relief hearing?

In what county was this trial/hearing/guilty plea held? _____

Presiding Judge's name? _____

Date of trial/guilty plea or post-conviction hearing _____

Were you represented by
_____ a court-appointed attorney _____ public defender or _____ retained counsel?

Name of attorney/public defender? _____

If retained, how much did you pay for attorney fees? \$ _____

If you still owe money to your attorney, how much? \$ _____

1. Are you presently employed? Yes _____ No _____

a. If "yes," state the amount of your salary or wages per month, and give the name and address of your employer: _____

b. If "no," state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month. _____

2. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support. _____

3. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?

Yes _____ No _____

b. Rent payments, interest or dividends?

Yes _____ No _____

c. Pensions, annuities or life insurance payments?

Yes _____ No _____

d. Gifts of inheritance?

Yes _____ No _____

e. Any other sources?

Yes _____ No _____

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. _____

4. Do you own cash, or do you have any money in a checking or savings account?

Yes _____ No _____

If the answer is "yes," state the total amount of the cash owned. \$ _____

5. Do you own any real estate, stocks, bonds, notes or other valuable property (excluding ordinary household furnishing and clothing)? Yes _____ No _____

If the answer is "yes," describe the property and state the appropriate value of the items owned. _____

6. What kind of motor vehicle do you own? _____

Is it paid for? Yes _____ No _____

If not, what are the monthly payments? \$ _____

7. What are your monthly expenses for the following:

RENT/Mortgage _____

Utilities (Water, Electric/Gas, Sewer, Cable) _____

Food/Groceries _____

Transportation/Gas _____

Car/Homeowners Insurance _____

8. How do you pay the expenses listed in question 7? _____

I do solemnly swear that the account by me delivered into this Court does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I, or any person in trust for me, have or at the time of my possession had, or am, or was, in respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand that the State shall file a claim against me in an amount equal to the cost for representation, but that such claim shall not constitute a lien against my property, unless, the claim is reduced to judgment by the Order of the Court after giving me at least thirty days' notice.

Under penalty of perjury, I certify that the information given by me on this affidavit is true and correct, and I understand that I will be subject to civil and/or criminal penalties if I knowingly furnish false information.

I am financially unable to employ counsel.

This _____ day of _____, _____.

Defendant

I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This _____ day of _____, _____.

Defendant

SUBSCRIBED AND SWORN to before me this
_____ day of _____, _____.

Notary Public for South Carolina
My Commission Expires: _____

NOTICE OF INTENT TO APPEAL

STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY

HONORABLE JENNIFER B. MCCOY

CASE NOS.: 2023-GS-10-02029
WARRANT NOS.: 2017A1010206573

RECEIVED

JUL 05 2023

SC Court of Appeals

THE STATE, RESPONDENT


vs.

JAMES DERICK MAJOR, APPELLANT

NOTICE OF APPEAL

The Defendant appeals from the conviction and the sentence of the Honorable Jennifer B. McCoy, Presiding Judge of the Ninth Judicial Circuit, dated June 6, 2023. The Defendant was sentenced on indictment number 2023-GS-10-02029 for Burglary 2nd Degree, for a sentence of 6 years to the South Carolina Department of Corrections. Having been tried in absentia, the Defendant's sentence was sealed at this time.

The sentence imposed on Defendant was unsealed on June 22, 2023 and all final trial motions were made on that date.



MELISA W. GAY
ATTORNEY FOR APPELLANT
222 W. COLEMAN BLVD., SUITE 121
MT. PLEASANT, SC 29464

Other counsel of record are:
Richardson Hunt Russell
Mallory Haliene
Assistant Solicitors
Charleston County Solicitor's Office
Ninth Judicial Circuit
101 Meeting Street Ste 400
Charleston, SC 29401

FILED 06/26/2023 Julie J. Armstrong Clerk of Court

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM CHARLESTON COUNTY
Court of General Sessions
HONORABLE JENNIFER B. MCCOY
Circuit Court Judge

RECEIVED
JUL 05 2023
SC Court of Appeals

INDICTMENT NOS.: 2023-GS-10-02029
WARRANT NOS.: 2017A1010206573

THE STATE,

Respondent,

v.


JAMES DERICK MAJOR,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Assistant Solicitors Richardson Hunt Russell and Mallory Haliena by depositing a copy of it in the United States Mail, postage prepaid, to the Solicitors on June 23, 2023.

Richardson Hunt Russell
Mallory Haliena
Assistant Solicitors
Charleston County Solicitor's Office
Ninth Judicial Circuit
101 Meeting Street Ste 400
Charleston, SC 29401



MELISA W. GAY
ATTORNEY FOR APPELLANT
222 WEST COLEMAN BLVD, SUITE 121
MOUNT PLEASANT, SC 29464
ATTORNEY FOR APPELLANT



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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FAX: (803) 734-1839
www.sccourts.org

July 07, 2023

Ms. Melisa White Gay, Esquire
222 W. Coleman Blvd., Ste. 121
Mt. Pleasant SC 29464

Re: The State v. James D. Major
Appellate Case No. 2023-001076

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review

filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

The State, Respondent,

v.

James Derick Major, Appellant.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,


CLERK

cc: Robert Michael Dudek, Esquire
Mallory V Haliene, Esquire
William M. Blicht, Jr., Esquire
Alan McCrory Wilson, Esquire



Melisa W. Gay, LLC
Attorney and Counselor at Law
222 West Coleman Boulevard
Mount Pleasant, SC 29464

Melisa W. Gay, LLC

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Mount Pleasant, SC 29464

LEGAL MAIL



JAMES DERRICK MAJOR (SODC # 318906)
c/o KIRKLAND CORRECTIONAL INSTITUTION
4344 BROAD RIVER ROAD
COLUMBIA, SC 29210