

The State Of South Carolina
For The Court Of Appeals

State Of South Carolina,

Respondent.

vs.

David Smith,

Appellant.

Motion To Reinstate Appeal

2022-001410

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SEP 19 2023

SC Court of Appeals

Honorable Court Of Appeals Justices:

Please Take Notice, appellant above-named files this motion to reinstate his appeal as follows

- 1) On January 17th, 2023, this court issued an order reinstating appeal after granting counsel motion to be relieved
- 2) On February 8th, 2023, appellant requested that this court remand case to the circuit court, which this court construed as a motion for remand for reconstruction of the record of the hearing for motion for reconsideration of his sentence. Respondent filed a return opposing the request because a transcript was available.
- 3) Thereafter on January 28th, 2023, a letter was sent to the respondent for record requesting to be provided the hearing record for reconsideration of recorded motion. But to this date, no indication of this letter being addressed (See letter 1/26/23)

- 4) The court reporter was also contacted, and told transcripts are only kept for no longer than three (3) years and (See attached) when I was informed about the rules pertaining to transcripts.
- 5) Appellant filed a motion to expedite appeal because, of the delay from respondent or court reporter delivering sentence reconsideration motion. However, this court also failed to address, issue of respondents delay submitting transcript.
- 6) Moreover, nothing in the 1/17/23 and 5/9/23 orders does it state that appellant had to order the record and the letter attached to order. Despite this, court failed to understand appellant has no means of paying costs associated with hearing record.

Wherefore, it is Prayed court Grant relief.

Date: 13 day of September, 2023,

Respectfully Submitted
s/ David Smith
David Smith / Pro Se



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 05, 2023

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: The State v. David I. Smith
Lower Court Case No. 2012GS1002533
Appellate Case No. 2022-001410

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: David Israel Smith, 00360603
Alan McCrory Wilson, Esquire
Jessica Ashley Baldwin, Esquire
Mark Reynolds Farthing, Esquire

The South Carolina Court of Appeals

The State, Respondent,

v.

David Israel Smith, Appellant.

Appellate Case No. 2022-001410

~~The Honorable Roger M. Young, Sr.~~
Charleston County
Trial Court Case No. 2012GS1002533

ORDER

Appellant has failed to order the transcript, as required by Rule 207 of the South Carolina Appellate Court Rules, and this Court's order dated May 9, 2023. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY


CLERK

Columbia, South Carolina
June 20, 2023

cc:

David Israel Smith, 00360603
Alan McCrory Wilson, Esquire
William M. Blicht, Jr., Esquire
Jessica Ashley Baldwin, Esquire

February 8, 2023

I spoke with the court reporter on January 26, 2023 for the 9th Circuit Jamie Bickett, and was told transcripts are only kept for three years and since your last State Action, they no longer have those records.

Also called Mr. William Blich about transcripts and left messages but have not heard back from his office but will call back again sometime next week.

Angel Smith

The State Of South Carolina
For the Court Of Appeals

State Of South Carolina.

Respondent.

vs.

David Smith.

Appellant.

Notice Of APPEAL

2022-001410


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Please Take Notice, that a copy of the within 'Motion To Remstate Appeal' has been done as follows:

- 1) Served the Attorney General by first class mail at Post Office Box 11549, Columbia, S.C. 29211
- 2) Motion has been served by first class mail

Date: 13 day of September, 2023.


s/ David Smith / Pro Se

David Smith #360603
Lee Correction Institution
990 Wisacky Highway/74B-2220
Bishopville, South Carolina 29010

January 28th, 2023

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SEP 19 2023

SC Court of Appeals

William M. Blitch, Jr., Esq.,
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

Re: State v. David Smith, # 2022-001410
Subject: Copy of Transcript

Dear Mr. Blitch

Could You Please Provide me with a copy of the
reconsideration sentencing hearing record

with kind regards,
s/ 
David Smith / Pro Se

cc: file

David Smith #360603
Lee Correction Institution
990 Wisacky Highway 172B-2220
Bishopville, South Carolina 29010

JMS

Honorable Jenny A. Kitchings, Chief Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SEP 19 2023

SC Court of Appeals

LEGAL MAIL ONLY