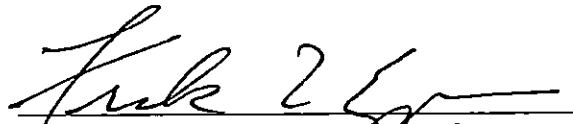




occurred prior to Jesse Osborne's interrogation by law enforcement personnel. Law enforcement personnel refused to allow counsel to see his client. Counsel further notes that this argument is being made in contravention to current South Carolina law.

2. Jesse Osborne, who was 14 years of age on the date of the incident(s) at issue herein, was deprived of his constitutional rights, including both his right to due process and his right to be free from cruel and usual punishment as found in the 8<sup>th</sup> Amendment of the United States Constitution and in Article 1, Section 15 of the South Carolina Constitution. This deprivation of rights occurred when Jesse Osborne's case was removed from the South Carolina Family Court to the Court of General Sessions, all in contravention of the United States Supreme Court holding in Kent v. United States, 383 U.S. 541, 566-67, 16 L. Ed. 2d 84, 86 S.Ct. 1045 (1966) and subsequent cases.

3. Jesse Osborne, who was 14 years of age on the date of the incident(s) at issue herein, was deprived of his constitutional rights, including both his right to due process and his right to be free from cruel and usual punishment as found in the 8<sup>th</sup> Amendment of the United States Constitution and in Article 1, Section 15 of the South Carolina State Constitution. This deprivation of rights occurred when Jesse Osborne was sentenced to 75 years in prison. In addition, the Court erred in wrongly applying the factors found in Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014) in order to issue Jesse Osborne's sentence.



Frank L. Eppes, S.C. Bar No. 7839  
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(864) 235-2600  
Attorney for Appellant

September 29, 2023

OTHER COUNSEL OF RECORD:

David Wagner  
Anderson Solicitor's Office  
Anderson County Courthouse  
101 South Main Street  
Anderson, South Carolina 29624



THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ANDERSON COUNTY  
Court of General Sessions

OCT 11 2023

R. Lawton McIntosh, Circuit Court Judge

SC Court of Appeals

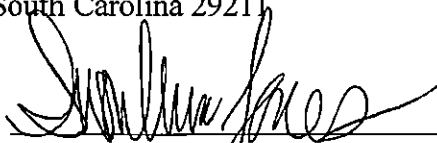
Indictment Nos.: 2018 GS 04 01391  
2018 GS 04 01392  
2018 GS 04 01393  
2018 GS 04 01394  
2018 GS 04 01395

The State of South Carolina.....Respondent,  
v  
Jesse Osborne.....Appellant.

**AFFIDAVIT OF SERVICE BY MAIL**


PERSONALLY APPEARED before me the undersigned, who, after being duly sworn, states that she served the Apellant's Amended Notice of Appeal upon counsel in the above-referenced matter by depositing a copy thereof in the United States Mail, postage prepaid, and addressed as follows:

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



SnowAnna Jones  
Paralegal to Frank L. Eppes

SWORN to and SUBSCRIBED before me  
this 29th day of September, 2023.

  
Notary Public for South Carolina  
My Commission Expires: 7-13-23





**EPPE & PLUMBLEE, P.A.**

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FRANK L. EPPES\*†  
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FRANK EPPES  
(1922-2002)

\* ALSO ADMITTED IN NEW YORK  
† ALSO ADMITTED IN NORTH CAROLINA

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SC Court of Appeals

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

**Re: State of South Carolina v. Jesse Osborne**  
**Case Nos. 2018 GS 04 01391**  
**2018 GS 04 01392**  
**2018 GS 04 01393**  
**2018 GS 04 01394**  
**2018 GS 04 01395**

Dear Ms. Kitchings:

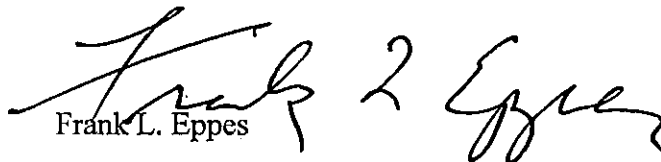
Attached please find an original and two copies of each of the *Defendant's Notice of Appeal* and three (3) distinct copies of Affidavits of Service in the above-referenced matter (Total of four (4) documents and (8) copies).

Please file the originals and return two clocked copies of the Notice and Affidavits of Service in the enclosed self-addressed stamped envelope. I have NOT been retained in this matter and I believe Appellate Defense will be handling it.

If you need anything further from me concerning this matter, please let me know.

Thank you for your help in this matter.

Sincerely,  
EPPE & PLUMBLEE, P.A.

  
Frank L. Eppes

FLE/scj  
Enclosures  
cc: David Wagner, 100 S Main Street Anderson, SC 29624



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