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Nov 28 2023

SC Court of Appeals

Dalton B. Floyd, Jr.* | Collin R. Jewell | T. Jarrett Bouchette ^
Patricia H. Anderson | Jonny McCoy • | Fatjon Cake | Marissa N. Drost | Bradley A. Floyd •

November 28, 2023

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

RE: The State v. Ismail O. Dickerson
Case No. 2023-001731

Dear Ms. Kitchings:

Please allow this letter to confirm that our office is in receipt of the deficiency letter dated November 16, 2023. Upon a review of our file, it appears that the Appellant filed *pro se* his Notice of Appeal on November 3, 2023, with this Court. However, prior to this, our office in the course and scope of its representation for the trial court matter, timely filed a post-trial motion pursuant to Rule 29, SCRCrimP, captioned "Motion for New Trial" on October 27, 2023. This motion is currently pending and is scheduled to be heard by the Honorable Benjamin Culbertson on December 7, 2023. A copy of this motion is enclosed herewith.

We would respectfully request that the instant appeal be dismissed without prejudice pending the outcome of the post-trial motion, pursuant to *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986).

Thank you for your cooperation and assistance in this matter.

Very truly yours,

Marissa N. Drost, Esq.

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Enclosure

cc: Office of the Attorney General
Ismail O. Dickerson, 00271978
Dylan Bagnal, Esq.
George DeBusk, Esq.
Robert Dudek, Esq.

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

State of South Carolina,

Plaintiff,

vs.

Ismail Dickerson,

Defendant.

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

WARRANT NOs.: 2021A2620602590,
2021A2620602591

MOTION FOR NEW TRIAL

TO: GEORGE DEBUSK AND DYLAN BAGNAL, SOLICITORS FOR THE FIFTEENTH JUDICIAL CIRCUIT:

COMES NOW the Defendant, by and through his undersigned attorney, who hereby moves this Court, pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure, for an order granting the Defendant a new trial. The Defendant was found guilty and sentenced on October 20th, 2023.

Defendant's motion is based upon the trial court's error in charging the jury on mutual combat pursuant to State v. Taylor 356 S.C. 227, 231, 589 S.E.2d 1, 3 (2003). and in allowing the State to elicit testimony which had been suppressed based on discovery violations in its rebuttal case pursuant to State v. Lawton, 382 S.C. 122 (2009). The Defendant asserts these errors individually as well as collectively under the cumulative error doctrine warrant a new trial in this matter.

The Defendant reserves the right to supplement this motion with a more expansive memorandum of law upon receipt of the relevant portions of the transcript. In the event the Court is inclined to rule on the matter without oral argument, the Defendant requests notice and the opportunity to supplement this motion in advance of the Court's ruling.

Respectfully Submitted,
THE FLOYD LAW FIRM PC



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October 27, 2023
Surfside Beach, South Carolina

FILED
Horry County
2023 OCT 27 P 12:34
RENEE M. ELYS
CLERK OF COURT
HORRY COUNTY, SC

RECEIVED

Nov 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2023-001731

The State,

Respondent,

v.

Ismail O. Dickerson

Appellant.

CERTIFICATE OF SERVICE

I certify that I have served a copy of the letter advising the Court of Appeals of a pending post-trial motion on November 28, 2023, addressed to Counsel of Record for Respondent via email to mbrown@scag.gov.



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Attorney for Appellant

November 28, 2023