

**OFFICE OF
12TH CIRCUIT PUBLIC DEFENDER**



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August 29, 2013

The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211
ATTN: V. Claire Allen, Deputy Clerk

Re: The State vs. Dewayne Mack
Appellate Case No. 2013- 000664

RECEIVED

AUG 30 2013

SC Court of Appeals

Dear Ms. Allen:

I received a copy of the enclosed Order filed August 20, 2013 on August 22, 2013 and I am responding to the Court's Order through this letter. I attempted to set forth an explanation for the appeal in the Notice of Intent to Appeal and apologize if I did not do so sufficiently. My reason for appealing the sentence imposed on Mr. Mack on March 6, 2013 are as follows: Mr. Mack was sentenced to an 18 month sentence on December 3, 2012, under the name of Willie Lee Mack. Subsequently, after Mr. Mack's incarceration in the South Carolina Department of Corrections, it was alleged that Mr. Mack had intentionally entered his original plea and entered into the Department of Corrections under a false identity and that Mr. Mack was, in fact, one Dewayne Mack and not Willie Mack. This information was forwarded to the Solicitor in Florence County and the sentencing Judge. On March 6, 2013, Mr. Mack was brought back before the Court of General Sessions in Florence County and The Honorable D. Craig Brown resentenced Mr. Mack to a four (4) year term for shoplifting instead of the original eighteen (18) month sentence. I objected to the resentencing on March 6, 2013, on the grounds that it was a sentence which exceeded the Court's authority as I was unable to locate any statute or case law which authorized a resentencing on the original charge in these circumstances. The Court overruled my objection and proceeded with the resentencing. I also appealed the sentence for Contempt of Court received by Mr. Mack on March 6, 2013 on the grounds there was no evidence in the record to support it. According to my best recollection there was no testimony entered in the record concerning whether the allegations

about Mr. Mack's intentional plea under a different identity was true and that the allegations were merely accepted as true by the Court.
If you need anything further, please contact me.

Yours Truly,

A handwritten signature in black ink that reads "Scott P. Floyd". The signature is written in a cursive style with a large, stylized "S" and "F".

Scott P. Floyd

cc:

Robert Michael Dudek

John Charles Jepertinger (Hand Delivered)

The Honorable D. Craig Brown (Hand Delivered)

Dewayne Mack

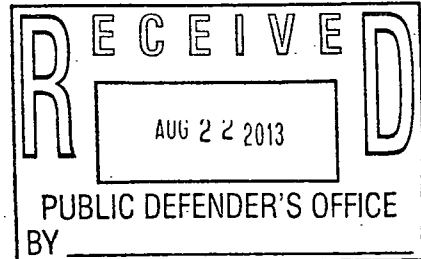
The South Carolina Court of Appeals

The State, Respondent,

v.

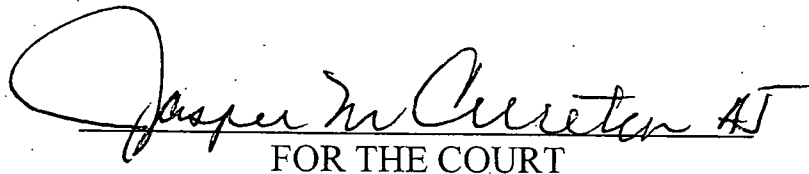
Dewayne Mack, Appellant.

Appellate Case No. 2013-000664



ORDER

This court has sent Mr. Scott Poston Floyd a letter requesting, within ten days of the date of the letter, "a written explanation showing that there is an issue which can be reviewed on appeal" pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules. Mr. Floyd has not responded to this court's request. Pursuant to Rule 264, Mr. Floyd is deemed the attorney for Appellant until withdrawal is approved by this court. Within ten days, Mr. Floyd shall provide this court with the requested explanation pursuant to Rule 203. Failure of Mr. Floyd to provide this information within ten days may result in the dismissal of this appeal.


FOR THE COURT

Columbia, South Carolina

cc:

Scott Poston Floyd
Robert Michael Dudek
John Charles Jepertinger
Salley W. Elliott
D. Craig Brown
Dewayne Mack

RECEIVED

AUG 30 2013

SC Court of Appeals

FILED

August 20, 2013