

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Aug 22 2024

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Honorable G.D. Morgan, Circuit Court Judge

Case Nos. **2023-GS-40-03297**

The State,.....Respondent,

v.

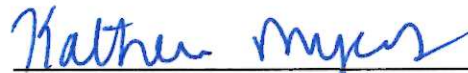
Dale Leonard Smith Jr.,.....Appellant.

NOTICE OF APPEAL

Dale Leonard Smith Jr. appeals his conviction and sentence in this case. The sentence was imposed by the Honorable G.B. Morgan on June 06, 2024.

2023-GS-40-03297 – Domestic Violence, 1st degree - 10 years concurrent, 206 days credit for time served.

August 22, 2024



Katherine Myers, 1016210
Richland County Public Defender's Office
P.O. Box 192
Columbia, South Carolina 29202
(803) 765-2592
Attorney for Appellant

Other Counsel of Record:
Assistant Solicitor Theresa Johns
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Attorney for Respondent

RECEIVED

Aug 22 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Honorable G.D. Morgan, Circuit Court Judge

Case Nos. 2023-GS-40-03297

The State,.....Respondent,

v.

Dale Leonard Smith Jr.,.....Appellant.

**STATEMENT OF BASIS FOR APPEAL FROM
GUILTY PLEA PURSUANT TO RULE 203(d)(1)(B)**

Pursuant to South Carolina Appellate Court Rule 203(d)(1)(B), the Defendant was dissatisfied with his sentence and insisted on appealing. I am of the opinion that if the client insists on appealing, I am constrained to file an appeal. Weathers v. State, 319 S.C. 59, 459 SE 2d 838 (1995).

I request for an appeal after the ten day deadline on behalf of Mr. Smith. I am filing this appeal as a reinstatement of the original Appeal Case no. 2024-001014 at the request of Chief Deputy Clerk Catherine Harrison made on August 15, 2024.

The reason I am seeking a reinstatement is because I failed to see the one email that arrived in my inbox on June 20, 2024. It is ultimately my responsibility to check all emails. However, I am able to manage the high email demand that I have with the assistance of my paralegal who is listed as my alternative email address is AIS and was copied on previous and other appeal emails.

I humbly beseech the court to allow my client an opportunity to be heard and not be punished by my oversight.

August 22, 2024



Katherine Myers, 101621
Richland County Public Defender's Office
P.O. Box 192
Columbia, S.C. 29201
(803) 765-2592
Attorney for Appellant

Other Counsel of Record:
Assistant Solicitor Theresa Johns
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Aug 22 2024

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Honorable G.D. Morgan, Circuit Court Judge

Case Nos. 2023-GS-40-03297

The State,.....Respondent,


v.

Dale Leonard Smith Jr.,.....Appellant.

PROOF OF SERVICE

I hereby certify that a true copy of the Notice of Intent to Appeal & the Statement of Basis for Appeal from Guilty Plea Pursuant to Rule 203(d)(1)(B) in the above-referenced case has been served upon opposing counsel by delivering same this date to her office at the Office of the Solicitor, Fifth Judicial Circuit, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201.

August 22, 2024



Katherine Myers, 101621
Richland County Public Defender's Office
P.O. Box 192
Columbia, S.C. 29201
(803) 765-2592
Attorney for Appellant

Other Counsel of Record:
Assistant Solicitor Theresa Johns
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Attorney for Respondent



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

August 15, 2024

Katherine Myers, Esquire
1701 Main Street
Suite 103
Columbia SC 29201

Re: The State v. Dale Smith
Appellate Case No. 2024-001014

Dear Counsel:

The Court received your email inquiring about court communications. Our records reflect we sent an email to myers.katherine@richlandcountysc.gov on June 20, 2024 at 9:43 am. This appears to be the email address you have entered into AIS for court communication. Enclosed please find our copy of the sent mail and the Court's correspondence. If you would like for the Court to reinstate the appeal, you must file a motion within 10 days of the date of this letter.

Very truly yours,


CLERK

cc: Robert Michael Dudek, Esquire
Theresa N. Johns, Esquire
Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire