



COPY

State of South Carolina
The Circuit Court of the Eighth Judicial Circuit

Frank R. Addy, Jr.
Judge

August 30, 2024

Greenwood County Courthouse
528 Monument Street, Suite 210
Greenwood, SC 29646
Phone: (864) 943-8020
Fax: (864) 942-8581
faddyj@sccourts.org

Mr. Detavius Cunningham
Inmate No. 329697
TCI Dorm 1-D-49
84 Green House Road
Trenton, South Carolina 29847

RECEIVED

SEP 09 2024
SC Court of Appeals

Re: State v. Cunningham
Indictment No. 2024-GS-24-360
Appellate Case No. 2023-001718

Dear Mr. Cunningham,

I am in receipt of your letter dated August 15, 2024 in which you indicate that I never made a ruling on your motion for reconsideration. By copy of this letter, a copy of your letter is being sent to those persons listed below.

From a copy of the transcript which I accessed on C-Track and which I have enclosed, the Court's ruling was oral. Therefore, there is not a written order, and due to the expiration of the term of court when you pled, I cannot vacate your sentence at this point as you also request.

Thank you for your attention and understanding.

Sincerely,

Frank R. Addy, Jr.

Enclosure

Cc: Tristan Shaffer, Esq.
Andrew Hodges, Esq.
Breen Stevens, Esq.
Mark Farthing, Esq.
South Carolina Court of Appeals
Greenwood Clerk of Court (cover letter only)

8/15/24

Dear Honorable Frank R. Adley,

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would like to inform you that you never made a ruling on my motion to reconsider. Its to my knowledge that a ruling has to made before I get my ruling on my appeal. I also would like to bring this case to your attention, State v. Smith no. 21504 July 6, 1981. A judge failure to comply with correcting or changing an illegal sentence. A defendant, who tried and convicted in his absence for third offense of driving under influence, appealed from refusal of General Sessions Court, Richland County, John Heimholt, Jr. to modify or vacate his sentence. The Supreme Court, Ness, J, held that: (1) sentence was not illegal on theory it was unconstitutionally enhanced; (2) trial judge had jurisdiction to alter, amend or modify sentence; and (3) as sentencing judge did not exercise his discretion but based his refusal to modify or

Vacate sentence ON erroneous view of law, case would
be remanded for consideration of motion to alter,
amend or change sentence.

Affirmed and remanded.

On behalf of my arguement that Tristan Shaffer argued
in my ~~MOTION~~ this case specifically shows you error
of law, and a violation of my 14th amendment, and
sixth amendment. Due to the circumstance and un-
lawfulness I would highly appreciate your professional-
ism against this wrongful conviction and seek for
vacation of my sentence.

Yours

Truly,

Detavious Lunningham

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The Circuit Court of the Eighth Judicial Circuit
Greenwood County Courthouse
528 Monument Street, Room 210
Greenwood, SC 29646



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