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Sep 16 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM COLLETON COUNTY  
Court of General Sessions

Maite Murphy, Circuit Court Judge

Case No. 2020-GS-15-00608; 609

The State,

Respondent,

v.

Sean Michael Peterson

Appellant.

NOTICE OF APPEAL

Sean Michael Peterson appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Maite Murphy on June 10, 2024. This appeal is taken from the order of the Honorable Maite Murphy, dated September 9, 2024, which denied appellant's motion for a new trial. Appellant received written notice of entry of this order on September 9, 2024.

Pursuant to Rule 203(d)(1)(B)(iv), SCACR, Appellant would note that the issues on appeal include, but are not limited to whether Appellant's Due Process rights were violated when the Circuit Court sentenced Appellant on the basis 'materially untrue' assumptions or 'misinformation,' and whether the Appellant's Due Process rights were violated when the Circuit Court denied Appellant an evidentiary hearing on the truthfulness of this information. See e.g. *Townsend v. Burke*, 334 U.S. 736, 740-41 (1948).

This Appeal is from a plea to two counts of the "Criminal Use of a Firearm while Hunting Resulting in Death." Appellant admits that he was criminally negligent in firing his weapon without first positively identifying his target.

During the plea colloquy, The State alleged without any evidentiary support that Appellant and his friends had been drinking and doing drugs, including Extasy and "hot railing" methamphetamine, "all night long" the night before up until the time that they went hunting. Despite the fact that there was significant, perhaps uncontroverted, sworn testimony that Appellant was not under the influence at the time of the incident, the Circuit Court made an explicit finding of fact that the drug use was a contributing factor to the crime.

Appellant objected to the Circuit Court's consideration at sentencing and again in his Motion to Reconsider Sentencing, and requested an evidentiary hearing. The Circuit Court denied these requests on September 9, 2024. This Notice of Appeal follows.

September 16, 2024

s/ L. Scott Harvin

L. Scott Harvin

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Attorney for Appellant

Other Counsel of Record:

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The State by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2024, addressed to the attorney of record, Julie Kate Keeney, Assistant Solicitor, Post Office Box 366, Walterboro, South Carolina 29488.

September 16, 2024

s/ L. Scott Harvin

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SC Court of Appeals

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September 16, 2024

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

RE: The State, Respondent, v. Sean Michael Peterson, Appellant,  
Case No. 2020-GS-15-00608; 609

Dear Ms. Kitchings :

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is [are] to be challenged on appeal.

Sincerely,  
s/ L. Scott Harvin  
L. Scott Harvin  
Post Office Box 139  
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(843) 5493-6432  
Attorney for Appellant

cc: Julie Kate Keeney  
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