

**THE STATE OF SOUTH CAROLINA  
In the Appellate Court**

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**APPEAL FROM CHEROKEE COUNTY  
Court of General Sessions**

**R. Keith Kelly, Circuit Court Judge**

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**Case No(s): 2023-GS-11-879**

The State of South Carolina,

v.

Demarcus Rashon Austin,

Respondent.

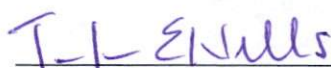
Appellant.

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**NOTICE OF APPEAL**

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Demarcus Rashon Austin appeals his conviction in this case. The defendant was convicted of Trafficking Methamphetamine, 10g or more, less than 28g, 3<sup>rd</sup> offense, after a jury trial, and the sentence of life imprisonment was imposed by the Honorable R. Keith Kelly on December 4, 2024. Defendant filed Notice of Intent to Appeal on December 5, 2024.



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**Jennifer E. Wells, Esq.**  
K.D. Trial Lawyers, P.C.  
178 West Main Street  
Spartanburg, SC 29306  
Attorney for Appellant

July 16, 2025

Other Counsel of Record:  
Kimberly Leskanic, Deputy Solicitor  
Seventh Judicial Solicitor's Office  
125 E. Floyd Baker Blvd.  
Gaffney, SC 29340

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JUL 22 2025

SC Court of Appeals

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**Case No(s): 2023-GS-11-879**

The State of South Carolina,

Respondent.

v.

Demarcus Rashon Austin,

Appellant.

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**PROOF OF SERVICE**

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I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on July 16, 2025, addressed to:

Kimberly Leskanic, Deputy Solicitor  
Seventh Judicial Solicitor's Office  
125 E. Floyd Baker Blvd.  
Gaffney, SC 29340

Alan Wilson, Attorney General  
Attorney General's Office  
P.O. Box 11549  
Columbia, SC 29211

  
\_\_\_\_\_  
**Jennifer E. Wells, Esq.**

K.D. Trial Lawyers, P.C.  
178 West Main Street  
Spartanburg, SC 29306  
Attorney for Appellant

July 16, 2025

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

COURT OF GENERAL SESSIONS  
FOR THE 7<sup>th</sup> JUDICIAL CIRCUIT

DEMARCUS AUSTIN, )  
 )  
APPELLANT )

**NOTICE OF INTENT TO APPEAL**

vs. )

Indictment Numbers: 23-GS-11-879 - 880

STATE, )  
 )  
 )  
RESPONDENT.)

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SC Court of Appeals

Attorney Jennifer E. Wells, on behalf of the Appellant, Demarcus Austin, hereby gives Notice of Intent to Appeal from the Judgment of the Cherokee County Court of General Sessions in the above action in the county of Cherokee, South Carolina.

The Appellant was sentenced on December 4, 2024, in Cherokee County before the Honorable R. Keith Kelly to charges originating out of Cherokee County.

Attorney Wells is not retained to represent the appellant and is solely reserving the Appellant's right to appeal the above referenced sentence. This request is made timely within the statutory 10-day limitation.

Jennifer E. Wells  
Jennifer E. Wells, Esq.  
K.D. Trial Lawyers  
178 West Main Street  
Spartanburg, South Carolina 29306  
jwells@spartanlaw.com  
864-585-5100

December 5, 2024

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2024 DEC -5 A 8:59  
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

COURT OF GENERAL SESSIONS

Demarcus Austin, )  
 )  
Plaintiff, )  
vs. )  
 )  
STATE, )

**AFFIDAVIT OF SERVICE**

23-GS-11-879-880

PERSONALLY appeared before me, Alison L. Mull, who, being duly sworn, deposes and says that she is employed in the Law Office of K.D. Trial Lawyers 178 West Main Street, Spartanburg, South Carolina, and is a person of such age and discretion as to be competent to serve papers.

That on December 17, 2024, she served a copy of Notice of Intent to Appeal on the above captioned action on the Defendant, State of South Carolina, by via internet e-mail and hand delivery-

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SC Court of Appeals

ADDRESSEE:

Cherokee County Solicitor's Office  
125 E. Floyd Baker Blvd  
Gaffney, SC 29340

Alison L Mull  
ALISON L. MULL

SWORN to before me this 17<sup>th</sup>  
day of December, 2024

Brandy W. Nobbe  
Notary Public for South Carolina  
My Commission Expires: 10/13/2030

FILED IN THE OFFICE  
CLERK OF COURT  
2024 DEC 17 P 4: 01  
BRANDY W. NOBBE  
CHEROKEE COUNTY, SC



KILLOREN  
KISSINGER  
DANTIN  
DENTON &  
DUNHAM, PC

864.585.5100 p | 800.543.2990 | 864.542.2994 f  
178 West Main Street, Spartanburg, South Carolina 29306  
P.O. Box 3547, Spartanburg, South Carolina 29304  
[www.kdtriallawyers.com](http://www.kdtriallawyers.com)

July 16, 2025

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals, Clerk of Court  
P.O. Box 11629  
Columbia, South Carolina 29211

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JUL 22 2025

SC Court of Appeals

RE: State of South Carolina vs. Demarcus Rashon Austin # 00347629  
Case No.: 2023-GS-11-00879

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal in the above matter along with Proof of Service, Motion to Withdraw as Counsel and Proposed Order Withdrawing as Counsel with Proof of Service. The original notice with proof of service has also been filed with the Cherokee County Clerk of Court. Additionally, I have also enclosed a copy of the indictment and sentencing sheet and proof of transcript request.

This matter is being referred to the Office of Appellate Defense.

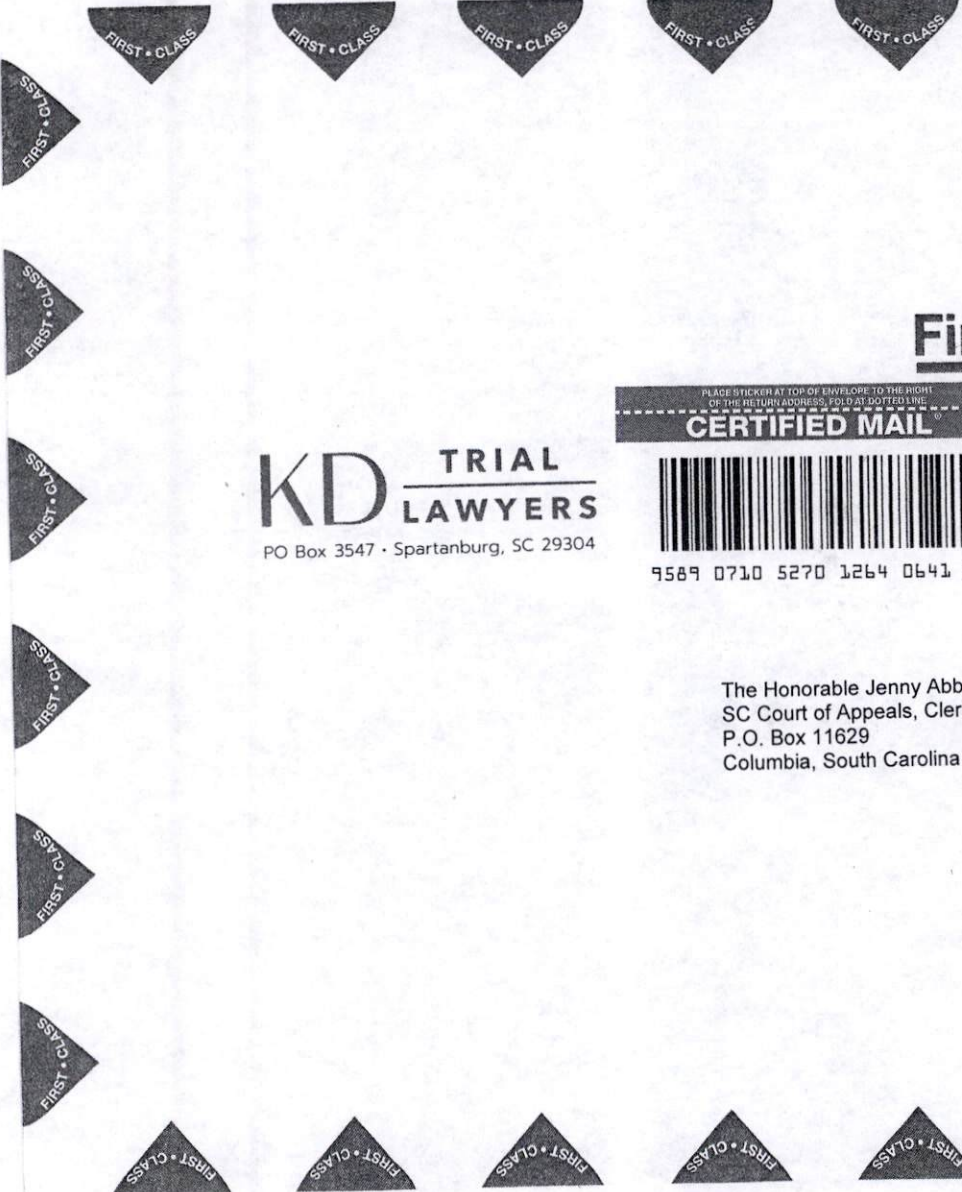
Thank you for your attention to this matter.

Sincerely,

**Jennifer E. Wells, Esq**  
K.D. Trial Lawyers  
178 West Main Street  
Spartanburg, SC 29306

Enclosures

cc: Cherokee County Solicitor's Office  
Office of Attorney General  
Office of Appellate Defense  
Demarcus Austin, Inmate



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**CERTIFIED MAIL**



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**KD TRIAL LAWYERS**  
PO Box 3547 • Spartanburg, SC 29304

The Honorable Jenny Abbott Kitchings  
SC Court of Appeals, Clerk of Court  
P.O. Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

JUL 22 2025

SC Court of Appeals

*Handwritten:* 7/22/25