

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

Case No. 2009-GS-07-2636; 2637; 2639
2009-GS-07-2594; 2595

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SC Court of Appeals

THE STATE,

RESPONDENT,

v.

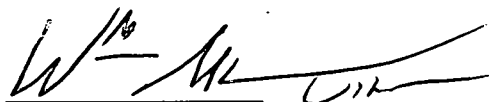
EARNEST STEWART DAISE,

APPELLANT

NOTICE OF APPEAL

Earnest Stewart Daise appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Carmen T. Mullen on October 23, 2013. This appeal taken from the order signed by the Honorable Carmen T. Mullen, Circuit Court Judge on, November 4, 2013 which denies appellant's motion for a new trial. See Exhibit A, Motion for New Trial and Order Denying the Defendant's Motion for New Trial.

Respectfully Submitted,



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Casey M. Secor
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SC Commission on Indigent Defense
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Counsel for Mr. Daise

Other Counsel of Record
McDuffie Stone
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STATE OF SOUTH CAROLINA

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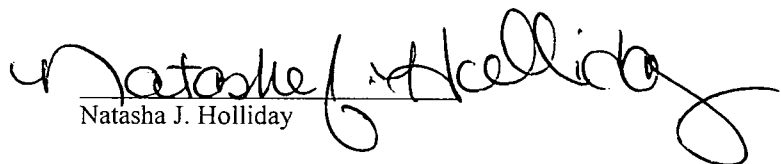
APPELLANT

CERTIFICATE OF SERVICE

I, Natasha J. Holliday, do hereby certify that I have, on this date, 8th day of November, 2013, served appellant's Notice of Appeal upon counsel for Respondent by hand delivering and US Mail the same to:

I. McDuffie Stone (By US Mail)
Sean Paul Thornton
Fourteenth Circuit Solicitor's Office
PO Box 1880
Bluffton, SC 29910

Alan Wilson (By Hand Delivery)
SC Attorney General
1000 Assembly Street
Columbia, SC 29201



Natasha J. Holliday

EXHIBIT

A

DEATH PENALTY CASE

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)	
Plaintiff,)	
v.)	Ind. Nos: 2009-GS-07-2636, 2009-GS-07-
EARNEST S. DAISE,)	2637, 2009-GS-07-2639, 2009-GS-07-2594,
Defendant.)	2009-GS-07-2595

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J. J. HARRIS, JR., CLERK OF COURT
BEAUFORT COUNTY, S.C.

MOTION FOR NEW TRIAL

Comes now, Earnest S. Daise, through undersigned counsel, and respectfully moves this Court for a new trial. The Defendant was sentenced on Wednesday, October 23, 2013, and on that date was granted ten (10) days within which to file post trial motions.

The Defendant moves for a new trial based on the lack of substantial circumstantial evidence in the prosecution's case in chief at the guilt/innocence phase, and the totality of the evidence at the close of the Defendant's case in chief at the guilt/innocence phase of the Defendant's capital trial. The Defendant bases his motion for a new trial on all objections and motions made *in limine*, and during the guilt/innocence phase of this death penalty trial. Further, Defendant renews his motions for directed verdict of acquittal made at the close of the State's case-in-chief and at the close of the Defendant's case-in-chief.

Respectfully Submitted,



10/28/13

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William S. McGuire, Chief Attorney
S. Boyd Young, Deputy Attorney
Casey Secor, Trial Attorney
Natasha J. Holliday, Paralegal

November 8, 2013

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: South Carolina v. Earnest Daise
2009-GS-07-2636, 2637, 2639
2009-GS-07-2594, 2595

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NOV 08 2013

SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed, with proof of service, the original and one copy of Appellant's Notice of Appeal in the above-referenced case.

If you should have any questions, please do not hesitate to contact this office.

Sincerely yours,

Natasha J. Holliday
Paralegal

Enclosure

cc: Clerk of Court for Beaufort County
McDuffie Stone, 14th Circuit Solicitor
Allen Wilson, Attorney General's Office
Robert M. Dudek, SC Office of Appellant Defense