



ALAN WILSON  
ATTORNEY GENERAL

November 26, 2013

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

RE: State v. Terence Hayes  
Appellate Case No: 2013-001894

State v. Terence Hayes  
Appellate Case No: 2013-001497

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SC Court of Appeals

Dear Ms. Kitchings:

In reviewing the documents and orders from this Court in the matters listed above, it appears that the appeal from Appellate Case No: 2013-001497 might have been prematurely dismissed and a new appellate case file with Appellate Case No: 2013-001894 also incorrectly assigned. I am copying opposing counsel, Nathaniel Roberson, Esquire, with this letter for a request for clarification.

It appears that Nathaniel Roberson, Esquire, filed and served a Notice of Appeal on July 12, 2013. The Notice of Appeal indicates the appeal arises from sentence dated May 7, 2013 and the order of the Court of General Sessions denying Appellant's Motion for Reconsideration dated July 2, 2013. The Notice of Appeal appears to have been timely served and filed. The appeal also appears to have been assigned Appellate Case No: 2013-001497. It also appears that by letter dated July 15, 2013, this Court requested that Appellant correct deficiencies in the Notice of Appeal. Thereafter, Appellant submitted a Notice of Appeal dated September 6, 2013. It appears that this Notice of Appeal might have been intended as an Amended Notice of Appeal correcting the deficiencies requested by this Court for Appellant Case No: 2013-001497. However, by Order filed September 16, 2013, this Court dismissed the appeal in Appellant Case No: 2013-001497 for Appellant's failure to correct the deficiencies. The remittitur was thereafter issued.

It appears the notice of appeal dated September 6, 2013 was assigned a new Appellant Case No: of 2013-001894. The Court issued an order filed September 8, 2013, dismissing the appeal because it was not timely served.



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It appears that if, the Notice of Appeal dated September 6, 2013 was intended as an Amended Notice of Appeal to correct deficiencies requested by the Court, the appeal for Appellate Case No: 2013-001497 should not have been dismissed because the September 6, 2013 Notice of Appeal was submitted to correct the deficiencies requested by this Court. If counsel for appellant can verify this information, it may be necessary to recall the remittitur for the appeal file in Appellate Case No: 2013-001497 and consolidate all documents into that case number unless this Court concludes that an appeal from a guilty plea is not appropriate.

Sincerely,

Salley W. Elliott  
Senior Assistant Deputy Attorney General

SWE/ab

cc: Nathaniel Roberson, Esquire  
Victim Services



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