

3-18-14

Dear Mrs. Kitchings,

I was unaware of the orders or judgments that was required in the February 27th letter. Due to negligence of my lawyer, Jim Smiley, I am forced to represent myself until a lawyer is appointed to me. I never obtained a sentencing sheet from my lawyer or the court after trial. My wife bought one from the Clerk of Court for my own personal record. I am new to law terms and trying my best to understand procedure with limited help and access to the law library. I was under the assumption that you was asking for a brief on the orders and judgments during my trial that I was disputing. You should have received a letter stating that I asked for an extension and I ~~write~~ a brief to Mr. Robert Dudek. So he can review my case and write a brief. If I had known you needed a copy of a sentencing sheet, I would have sent the one and only I have. I have written the clerk of court, Robert Dudek, and Jim Smiley asking to forward a copy of my sentencing sheet. Enclosed are copies of your letters, a copy of my sentencing sheet, a copy of the clerk of court receipt, and a response from the clerk of court stating my appeal has been filed. I also enclose a brief from the research I have done that I sent to Robert Dudek. Please allow my appeal to be accepted and reinstated under Rule 260. Thank You!

Sincerely,

RECEIVED

MAR 24 2014

SC Court of Appeals

Samuel Brown
25490.7

3-18-2013

Samuel Brown 254907

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

MC1 B2 C19B

1516 Old Gilman Rd

Ridgerville, S.C 29472

Samuel Brown, Appellant

VS

THE STATE, Respondent

Appellate Case No. 2013-002496

RECEIVED

MAR 24 2014

The Honorable J. C. Nicholson Jr.

Charleston County

SC Court of Appeals

Trial Court Case No. 2012 GS1006790

MOTION TO REINSTATE

Samuel Brown is filing a motion to reinstate an appeal with the Appellate court. The terms of the letter sent on 2-27-13 before the dismissal was not clear to the defendant. The letter stated orders and judgments was needed. The defendant sent a brief to Robert Dudek asking for assistance but did not receive a reply. Upon receiving the ORDER for dismissal, a clearer statement that the Appellate court need the sentencing sheet was provided. My attorney, Jim Smiley has not responded to the terms so I am forced to presume my defense on my own. Please allow my reinstatement of my appeal under Rule 260. I have enclosed a copy of my sentencing sheet with this motion. I am within the 15 days before the submission of the remittitur provided by Rule 220. With all due respect. I was lead to believe my sentencing sheet was submitted already.

Jenny A. Kitching

Clerk of Court of Appeals

P.O. Box 11629 Columbia, S.C 29211

Copy of Judgments disputed sent to Mr. Dudek

- (1) Preliminary proceedings: Counsel did not have the proper time allotted to suppress witness and evidence. C.I. name was presented at pretrial for the first time. Judge denied all pretrial motions.
- (2) Misconduct of counsel for prosecution: Prosecution made statements during trial that was objected by my lawyer because of not having evidence to support statements. Judge denied objection. Prosecution statements of inference led to a guilty verdict.
- (3) Ruling on evidence: Counsel for the defense asked for direct verdict because defendant could not be linked to any material evidence presented. The judge ruled against it. The sufficiency of the evidence didn't provide proof of burden. There was no video or sufficient audio.
- (4) Judge erred on rulings in case: Judge erred on allowing false testimony and statement by prosecution that ~~determine~~ determine the guilty verdict against defendant. Testimonies was the only evidence that jury could determine guilt. Judge also failed to give proper instructions to jury.
- (5) Newly discovered evidence: Statements of the C.I. and police was heard for the first time during trial. The motive of the C.I. was presented, searching of the C.I. vehicle and the C.I. criminal background history.
- (6) Contradictory statements by witness during trial: The police and C.I. had two different testimonies about the night of the incident.
- (7) Ineffective counsel: The counsel failed to present character of the defendant. Counsel also failed to present evidence and witness that could have determined verdict. Counsel of the defendant was not prepared due to a mistrial and plea of the first two cases before the defendant case.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 26, 2013

Mr. James Watson Smiley, IV
178 1/2 King St.
Charleston SC 29401

Re: The State v. Samuel Brown
Appellate Case No. 2013-002496

RECEIVED

MAR 24 2014

SC Court of Appeals

Dear Counsel:

Upon reviewing your client's notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The caption/title does not comply with Rule 267(a), SCACR. Specifically, opposing counsel is not listed and the lower court number is not listed.
- The notice of appeal is not accompanied by the redacted sentencing sheet(s) challenged on appeal.
- The document has not been timely filed. A motion to allow the late filing will have to be made.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Robert Michael Dudek, Esquire
Salley W. Elliott, Esquire
Samuel Brown

The South Carolina Court of Appeals

The State, Respondent,

v.

Samuel Brown, Appellant.

Appellate Case No. 2013-002496

The Honorable J. C. Nicholson, Jr.
Charleston County
Trial Court Case No. 2012GS1006790

ORDER

Appellant has failed to comply with the letter of the Court dated February 27, 2014, by failing to provide a copy of the order and/or sentencing sheets on appeal, as required by Rule 203(d)(1)(B)(ii) of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Samuel Brown, 254907

James Watson Smiley, IV, Esquire

Robert Michael Dudek, Esquire

Salley W. Elliott, Esquire

FILED

3/19/14

He
COURT OF COMMON PLEAS
AND GENERAL SESSIONS
100 BROAD STREET, SUITE 106
CHARLESTON, S.C. 29401-2258
(843)958-5000
(843)958-5020 FAX
www3.charlestoncounty.org



FAMILY COURT OF THE
NINTH JUDICIAL CIRCUIT
CHARLESTON COUNTY
100 BROAD STREET, SUITE 143
CHARLESTON, S.C. 29401-2265
(843)958-4400
(843)958-4434 FAX
www3.charlestoncounty.org

JULIE J. ARMSTRONG
CLERK OF COURT
CHARLESTON COUNTY

Re: Samuel Brown
To: Samuel Brown

This office has received your request.

- In order to provide you with the copies you are requesting you must 1.) pay the \$5.00 fee or 2.) provide us with a statement from the SCDC East Cooper Trust Fund which shows the financial status of your account. If your account reflects no monies have been received, you will not be charged the fee.
- If copies are requested, you must submit copies with the original document. Include a self-addressed stamped envelope.
- Warrant/indictment number is required for request.
- No record of referenced case in Charleston County Court of General Sessions.
- Jail time should be requested through your caseworker.
- You need to contact your court reporter for your transcript.
- You will need to contact the agency placing the detainer. This office cannot release a detainer.
- Research completed. Documents enclosed.
- Other: Mr. Brown: Your Notice of Appeal has been filed with the Clerk's office. Find enclosed a copy for your records. Thank You!!

Please return this letter with your correspondence.

JJA/mmr

General Sessions
Clerk : Julie Armstrong
Charleston County Judicial Center
Charleston, SC 29401
(843) 958-5000

Received From: SHALITHA BRANCUMB (wife)

Date : 12/4/2013

Paying for: SHALITHA BRANCUMB,

RECEIPT # 498607

Clerk: COCMKH

Payment Type: Money Order \$5.00

Reference # R105240792349

Total Paid 5.00

Comment:



STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.

SAMUEL BROWN JR

AKA: _____

Race: BLACK Sex: M Age: 39

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____ SID#: SC00858043

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Trafficking in Cocaine, 10 to 28 grams, 1st offense

in violation of § 44-53-0370(e)(2)(a)+3 of the S.C. Code of Laws, bearing CDR Code # 0278 0387

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Stoney, Randell 78683 Defendant Sumner Attorney for Defendant 40312 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 90 DAYS

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL:	\$ 268.40

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS1006790

A/W#: DIRIND1783

Date of Offense: 10/12/2012

S.C. Code § : 44-53-0370(e)(2)(a)1

CDR Code #: 0278 0387

SENTENCE SHEET

CONVICTED OF or PLEADS

Clerk of Court/ Deputy Clerk

Court Reporter: Karen Anderson

SCCA/217 (03/2011)

Caroline Armstrong CLERK, C.F. GS & F.C.

Julie J. Armstrong DEPUTY CLERK

Presiding Judge

Case Code: _____

Sentence Date: 9/12/13

90 Nicholas

Samuel Brown 254907
MC I C19B-B2
1516 Old Gilliard Rd
Ridgeville, S.C 29472

CHARLESTON SC 294

20 MAR 2014 PM 5:55



000
9 2014
29472



02 1P

0003167USA
FIRST CLASS

FOREVER

RECEIVED

MAR 2 4 2014

SC Court of Appeals

Jenny Abbot Kitchens
P.O. Box 11629

Columbia SC 29214
292141629

The Department of Corrections has not censored this item, therefore, the Department does not assume responsibility for its written contents - MacDougall Correctional Institution.



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www.sfi-program.org

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