

In The Court of APPEALS  
For The State of South Carolina

Jimmy D. Jones  
APPELLANT

Appellate Case No: 2013-001598

v.

Petition For Rehearing

**RECEIVED**

MAR 13 2014

**SC Court of Appeals**

State of South Carolina  
Respondent

This matter is before the court on a Petition For Rehearing. The APPELLANT humbly requests this honorable court to Grant a rehearing in this matter and would state the following;

The APPELLANT filed a timely notice of APPEAL following the denial of his motion to be excluded from the Sexual Registry dated July 9, 2013 and signed by Administrative Judge J. Derham Cole of SPARTANBURG, S.C. APPELLANT received written notice of the order on July 16, 2013.

The APPELLANT was informed by a letter from the deputy clerk, Ms. Claire Allen, that his notice of APPEAL had been received, filed, and assigned the above listed case number on July 29, 2013. The APPELLANT had written another letter to the clerks office inquiring about the appointment of counsel and the status of his APPEAL. This was almost sixty days after filing the notice of APPEAL. A reply was made AGAIN by the clerk informing him of receipt of his letter and instructing him to contact the Commission on Indigent Defense regarding

the handling of his APPEAL. (see Attachment 1.). Exactly thirty days later, the APPELLANT wrote a letter to MR. Robert Dudek, Chief Attorney for the Commission on Indigent Defense informing him of the filing of the Notice of APPEAL, certificate of service, two letters, from the clerks office and the financial statement which had been included to show indigent status.

The APPELLANT had also made a request for representation from MR. Dudek. APPELLANT had also mentioned that COPIES of this letter were being sent to Ms. Kristin Simons of the Attorney Generals office and to Chief Justice Jean Toal's office for assistance in this matter. (see Attachment 2.)

Six days later on November 5, 2013, the APPELLANT received a reply letter from Ms. Loriene French, legal services coordinator for APPELLATE defense, informing him of the receipt of his letter and advising him that their office would not be able to assist him in his APPEAL matter. (see Attachment 3). Exactly three days later the APPELLANT received another letter from Clerk Claire Allen, informing him that a motion for APPOINTMENT of counsel must be made and served on OPPOSING counsel within fifteen days of the date of the letter from the clerk or otherwise the APPELLANT would be considered AS PROCEEDING PRO-SE in the APPEAL. (see Attachment 4). The APPELLANT then immediately filed a motion with the court for APPOINTMENT of counsel and a motion to Proceed in forma PAUPERIS.

The APPELLANT received an order from the court on January 16, 2014 denying both counsel and in forma PAUPERIS status which was signed by Judge John C. Few.

A letter from the clerk, Ms. Claire Allen also accompanied the courts order and stated that the transcript was due to be ordered within thirty days of the date of her letter to the APPELLANT. (see Attachments 5 + 6).

The APPELLANT would now state to the court that due to my misunderstanding of the clerks letter And also due to my neglect and not knowing who the court reporter was, I failed to order the transcript within the thirty (30) day time frame and I hereby humbly ask the courts indulgence in this matter.

For the reasons given Above, the APPELLANT humbly seeks A rehearing in this matter and asks the court to reverse its decision and Grant a continuance in this matter to Allow the APPELLANT Another opportunity to order the transcript for the courts review.

Respectfully Submitted  
Jimmy D. Jones

Jimmy D. Jones # 240330

Appellant  
Ridgeland Corr. Inst.  
SB-66

PO Box 2039

Ridgeland, S.C. 29936

Date: March 8, 2014

Ridgeland, S.C.

Attachment 1.



## 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](http://www.sccourts.org)

September 30, 2013

Jimmy Dean Jones, 00240330  
Kershaw Correctional Institution  
4848 Goldmine Hwy  
Kershaw SC 29067

Re: State v. Jimmy D. Jones  
Appellate Case No. 2013-001598

Dear Mr. Jones:

This Court is in receipt of your letter dated September 23, 2013. You may contact the Commission on Indigent Defense, Appellate Division, at P.O. Box 11589, Columbia, SC 29211-1589 regarding the handling of your appeal.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Kristin M. Simons  
Robert M. Dudek

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MAR 13 2014

**SC Court of Appeals**

October 30, 2013

Mr. Robert Dudek, Chief Attorney  
S.C. Office of Appellate Defense

RE: Appeal / Appellate Case No: 2013-001598

Dear Mr. Dudek,

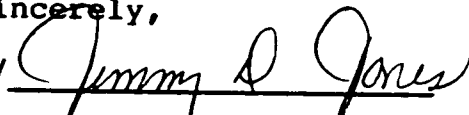
Please find enclosed copies of my Notice of Appeal, certificate of service, two letters from the South Carolina Court of Appeals, and a financial statement from our accounting office at SCDC headquarters. Also included is Judge Coles order. As you can see the court has assigned me the above referenced case number. Ms. Claire Allen has told me to contact your office concerning this appeal. As such, I have tried to reach Ms. Sherry Graham, and Ms. French concerning appointment of counsel, however I have received no reply from either of them. I have talked with the receptionist at appellate defense who in turn checked the computer and informed me that this appellate case number was not showing. As it has been over three months, appointment of counsel should have already been made.

As I am indigent and receive no funds due to the fact that most of my family is deceased, it will be necessary for your office to appoint me counsel. I would appreciate hearing from you or either Ms. Graham or Ms. French as I have previously written to both of them.

I plan on sending copies of this letter to Asst. Attorney General Kristin Simons and to the Chief Justice, Jean Toal's Office for assistance in this matter. I look forward to hearing from your office soon.

Sincerely,

s/



Jimmy Jones #240330  
Kershaw C/I Mag-A 37  
4848 Goldmine Hwy.  
Kershaw, SC 29067

COPY



Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

November 5, 2013

Mr. Jimmy D. Jones #240330  
Kershaw Correctional Inst. Mag-A 37  
4848 Goldmine Hwy.  
Kershaw, SC 29067

Dear Mr. Jones:

We are in receipt of your recent correspondence. Please be advised that this office does not handle this type of appeal, and therefore, we will be unable to assist you in this matter.

Sincerely,

  
Lorraine French  
Legal Services Coordinator



## 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  
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FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

November 08, 2013

Jimmy Dean Jones, 00240330  
Kershaw Correctional Institution  
4848 Goldmine Hwy  
Kershaw SC 29067

Re: State v. Jimmy D. Jones  
Appellate Case No. 2013-001598

Dear Mr. Jones:

If you are requesting appointment of appellate counsel, you need to file a motion for appointment of counsel. This motion must be served upon opposing counsel. If you intend to file a motion, please do so within fifteen days. Otherwise, you will be considered as proceeding pro se in this appeal.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Kristin M. Simons

# The South Carolina Court of Appeals

The State, Respondent,

v.

Jimmy Dean Jones, Appellant.

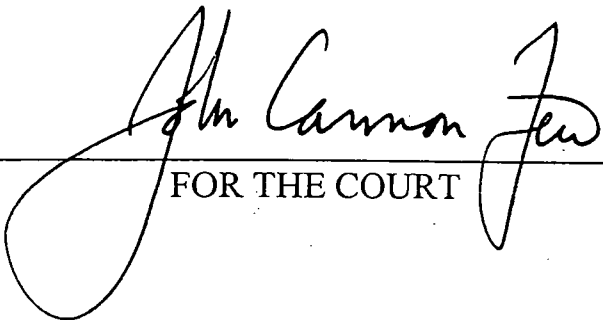
Appellate Case No. 2013-001598

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## ORDER

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Appellant has filed a motion to appoint counsel and a motion to proceed in forma pauperis. After careful consideration, Appellant's motions are denied. *See* Rule 608(g), SCACR ("[A] lawyer should not be appointed as counsel for an indigent unless the indigent has a right to appointed counsel under the state or federal constitution, a statute, a court rule, or the case law of this State."); *Martin v. State*, 321 S.C. 533, 535, 471 S.E.2d 134, 135 (1995) (noting motions to proceed in forma pauperis "may only be granted where specifically authorized by statute or required by constitutional provisions").

  
FOR THE COURT

Columbia, South Carolina

cc:  
Jimmy Dean Jones  
Kristin M. Simons

FILED

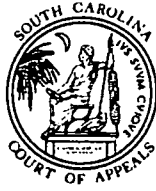
1/16/14

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MAR 13 2014

SC Court of Appeals

Attachment 6



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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January 16, 2014

Jimmy Dean Jones, 00240330  
Kershaw Correctional Institution  
4848 Goldmine Hwy  
Kershaw SC 29067

Re: State v. Jimmy D. Jones  
Appellate Case No. 2013-001598

Dear Mr. Jones:

Enclosed is the decision of the Court. The transcript is due to be ordered within thirty (30) days of the date of this letter.

Very truly yours,

  
CLERK

cc: Kristin M. Simons, Esquire

# The South Carolina Court of Appeals

The State, Respondent,

v.

Jimmy Dean Jones, Appellant.

Appellate Case No. 2013-001598

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2012CP4200538

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ORDER

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Appellant has failed to order the transcript, as required by Rule 207(a)(1) 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

  
CLERK

Columbia, South Carolina

cc:

Jimmy Dean Jones, 00240330

Kristin M. Simons, Esquire

**FILED**

2/27/14 JRD

Jimmy Jones # 240330  
Ridgeland Corr Inst  
SB-66  
PO BOX 2039  
Ridgeland, S.C. 29936

Father Department

RIDGELAND CORRECTIONAL  
INSTITUTION

MAR 10 2014

MAILROOM

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MAR 13 2014

SC Court of Appeals

S.C. Court of Appeals

PO BOX 11629

Columbia, S.C. 29211

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