

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of General Sessions  
STEVEN H. JOHN, Circuit Court Judge

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**RECEIVED**

MAY 28 2014

**SC Court of Appeals**

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CASE NO.: 2012-GS26-02679

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The State .....Respondent,

vs.

Vivian Schrader-Falls .....Appellant.

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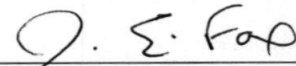
**MOTION TO REMAND**

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Appellant was convicted of Murder and sentenced to thirty (30) years on May 8, 2014. At sentencing, Appellant requested a finding from the presiding judge that she was eligible for early parole consideration pursuant to S.C. Code of Laws Section 16-25-90. The court denied Appellant's request. However, the court made no specific findings on the record as to its decision. After adjournment, the court contacted Appellant's counsel and instructed him to file a motion to reconsider so that a complete record could be made and other witnesses be heard. On May 9, 2014, Appellant filed a Motion to

Reconsider the parole decision. Also on May 9, 2014 (in fact, just *three minutes* later), Appellant's counsel prematurely filed Notice of Intent to Appeal, thereby removing jurisdiction from the trial court.

WHEREFORE, Appellant moves that this Court hold her appeal in abeyance, and remand this case to the Horry County Court of General Sessions so the Circuit Court Judge can hold an evidentiary hearing and/or issue an order granting or denying Appellant's pending motion to reconsider.



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J. Eric Fox  
Trial Attorney for Appellant  
Horry County Public Defender  
P.O. Box 1666  
Conway, SC 29526  
(843)915-5385

May 23, 2014

Conway, South Carolina

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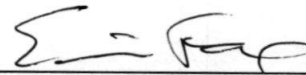
**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice in the United States Mail, postage prepaid, on May 23, 2014, addressed to the attorneys of record:

Scott Graustein  
Solicitor  
Post Office Box 1276  
Conway, South Carolina, 29528  
Attorney For Respondent

Alan M. Wilson  
SC Attorney General  
Post Office Box 11549  
Columbia, SC 29211-1549  
Attorney for Respondent

May 23, 2014



Eric Fox  
Public Defender  
Horry County Public Defender Office  
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# Fifteenth Circuit Public Defender

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May 27, 2014

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29201

RE: **Motion to Remand**  
*State of SC v. Vivian Schrader-Falls*  
Case No.: 2012-GS26-02679  
Appeal from Horry County (Judge Steven H. Johm)

Dear Madam Clerk:

Enclosed please find an original Motion to Remand and six (6) copies in the matter referenced above. Proof of service is also attached to the Motion. Please file the motion and return a clocked copy to this office.

Thank you for your assistance.

Sincerely,

J. Eric Fox  
Senior Trial Attorney

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