

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

APPEAL FROM UNION COUNTY  
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

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Case Nos.: 2014-GS-44-0077  
The State of South Carolina, Respondent  
v.

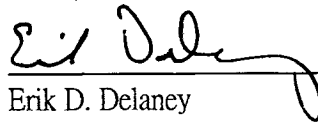
David Terrell Gallman, Appellant

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NOTICE OF APPEAL

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David Terrell Gallman appeals the sentence imposed by the Honorable John C. Hayes, III on July 9, 2014.. The Appellant was tried by jury on July 9, 2014 and was found guilty by jury of 3<sup>rd</sup> Offense Distribution Crack. and received a sentence of Thirty (30) years and pay a fine of \$50,000.



Erik D. Delaney  
Assistant Public Defender  
P O. Box 1  
Union, SC 29379

(864) 429-1687  
Attorney for Appellant

This 10th day of July, 2014  
Union, South Carolina

Other Counsel of Record:  
John C. Anthony  
Deputy Solicitor  
220 W. Main Street  
Union, SC 29379  
(864) 429-1639

FILED FOR RECORD  
2014 JUL 10 AM 10 59  
WILLIAM F. GAULT  
CLERK OF COURT  
UNION, SC

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

APPEAL FROM UNION COUNTY  
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

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Case Nos.: 2014-GS-44-0077  
The State of South Carolina, Respondent  
v.

David Terrell Gallman, Appellant

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EXPLANATION OF APPEAL

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The above-named Defendant was tried by jury and found guilty of 3<sup>rd</sup> Offense Possession with Intent to Distribute Crack Cocaine on July 9, 2014. Defendant was sentenced to Thirty (30) years plus a fine of \$50,000 by the Honorable John C. Hayes, III. The State made a motion during trial to allow the admission of evidence pertaining to Defendant's pending Distribution of Crack Cocaine charge, under the "intent" exception to the rule prohibiting admission of prior bad acts. Rule 404(b), SCRE. See also *State v. Lyle*, 125 S.C. 406, 118 S.E. 803 (1923). This motion was heard by the Honorable John C. Hayes, III and granted. Defendant takes exception to this ruling and the improper admission of evidence pertaining to Defendant's pending Distribution of Crack Cocaine charge. Defendant contends that the judge erred by finding that the probative value of the evidence substantially outweighed its prejudicial effect. Rule 403, SCRE. See also *State v. Garner*, 304 S.C. 220, 403 S.E.2d 631 (1991).

Respectfully submitted,



Erik D. Delaney  
Union County Public Defender

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JUL 16 2014

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

APPEAL FROM UNION COUNTY  
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

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Case Nos.: 2014-GS-44-0077

The State of South Carolina, Respondent

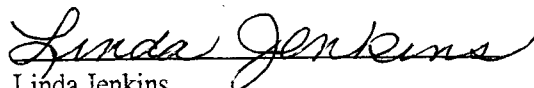
v.

David Terrell Gallman, Appellant

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Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. David Terrell Gallman was served upon Deputy Solicitor Johns Anthony, on July 10, 2014, by hand-delivering a copy to the Solicitors Office, 220 W. Main Street, Union, South Carolina, by the undersigned.



Linda Jenkins

Legal Secretary for Erik D. Delaney  
Attorney for the Defendant

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JUL 16 2014

**SC Court of Appeals**

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CLERK OF COURT  
UNION, SC

**OFFICE OF THE PUBLIC DEFENDER  
SIXTEENTH JUDICIAL CIRCUIT  
UNION COUNTY OFFICE**

**POST OFFICE BOX 1, UNION, SOUTH CAROLINA 29379  
PHONE: 864-429-1687; FAX: 864-424-1004**

**Harry A. Dest  
Circuit Public Defender**

**Erik Delaney  
Jennifer William  
Public Defenders**

July 10, 2014

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


Re : DAVID TERRELL GALLMAN; Indictment/Case # 2014-GS-44-0077

Dear Ms.Kitchings:

Enclosed please find the Notice of Appeal, and Certified Certificate of Service, copy of Indictment and Sentencing Sheet in the above captioned matter. on July 9, 2014, the Appellant was tried by jury and found guilty of 3<sup>rd</sup> Offense Distribution Crack and was sentenced to Thirty (30) years plus a fine of \$50,000 by the Honorable John C. Hayes, III

Copies of these documents were sent under separate cover letter to the defendant, a copy of said letter to Appellant is enclosed.

Sincerely,

  
Erik D. Delaney  
Union County Public Defender  
Sixteenth Judicial Circuit

EDD/lcj  
Enclosures

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2014 JUL 10 AM 10 58  
WILLIAM F. GAULT  
CLERK OF COURT  
UNION, SC

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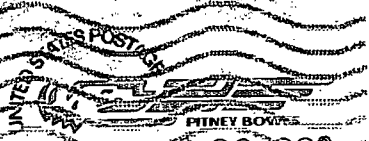
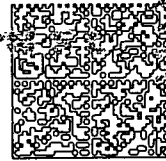
JUL 16 2014

**SC Court of Appeals**

PUBLIC DEFENDER OFFICE  
Union County, South Carolina  
P. O. Box 1  
Union, SC 29379

GREENVILLE SC 296

14 JUL 2014



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

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JUL 16 2014  
**SC Court of Appeal**

