

STATE OF SOUTH CAROLINA
County of Richland

John Julius Smith #246646
Appellant.

v.
The STATE OF SOUTH CAROLINA
Respondent

IN THE SOUTH CAROLINA COURTS
OF APPEALS

APPELLATE CASE NO. 2014-001366
RETURNS TO APPEAL COURTS

I am Respond's to this letter requested to file a return to this motion no later than (10) days. (SEE COPY OF LETTER ENCLOSED).

The appellant is presently confined in the South Carolina Department of Corrections. He was represented by appointed attorney Tynika Claxton and Tristin Shaffer on a motion for New Trial, before the honorable Robert Hood. The S.C. Supreme Court sent an order down to the lower court of Richland County to have the matter heard within (30) days. A hearing was held on April 3, 2014. At the hearing both parties agree that the child was doing good. In this case Mr. Smith was charged with S.C. Code 16-3-95(A) Infliction of Great Bodily Harm upon a child. ~~is~~ Now, Mr. Smith filed a Pro-Se motion and Judge Benjamin appointed Tynika Claxton. Now, Judge Hood did an order what prohibit Mr. Smith to have the medical exam, what could help him with this matter. But the Judge order that the medical exam, could only be use for court process and only obtain by a Judge or Attorney. At the hearing Attorney's requested for a Re-sentencing verbally motion on the record. But, Judge deny the motion on June 16, 2014 because of the Appellant Guilty Plea, so Appellant wants to Appeal Judge Hood Decision, because Judge did not rule on Resentencing, plus he's arguing to Judge did not subpoena the child or physician in this case or having a up-to-date medical exams or a second opinion from another physician. I need some type of representation in order to process with this appeal. If my attorney relieved herself, and I am not appointed a appellate attorney I will not be able to get this issues heard in appeal court or obtain medical exams of up-to-date. Judge ruled on 2009, medical exams: the same one that got the hearing heard, but, with up-to-date medical exams would make a difference, and school records. Also, Judge ask of records in a week of hearing for new medical exams where my attorney fail to do.

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JUL 23 2014

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JUL 25 2014

SC Court of Appeals

Respectfully Submitted
5 John J. Smith #246646
John J. Smith



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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July 15, 2014

Ms. Tynika Adams Claxton, Esquire
7008 Shakespeare Road
Columbia SC 20223

Re: The State v. John J. Smith
Appellate Case No. 2014-001366

Dear Counsel:

This Court has received your motion to withdraw as counsel. By copy of this letter, opposing counsel and your client are requested to file a return to this motion no later than ten (10) days from the date of this letter. The time limits for perfecting the appeal will be held in abeyance until the motion is decided.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: John Julius Smith, 246646
Robert Michael Dudek, Esquire
Daniel Ryan Goldberg, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire

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JUL 25 2014

SC Court of Appeals

THE CLAXTON LAW FIRM, LLC
P.O. BOX 50
BLYTHEWOOD, SC 29016
803-400-1195 (P)
803-675-0259 (F)

June 25, 2014

John Julius Smith #246646
Turbeville C.I.
Highway 378
Turbeville, SC 29162

Re: New Trial Motion

Dear John:

I am in receipt of your most recent letter. After speaking with on the phone and you saying that you wanted to appeal, I filed the appeal as it had to be filed within 10 days. You must send the affidavit that I sent you so that you can have representation on the appeal. The issues that you addressed can be discussed with your appellate attorney once appointed.

Should you have any questions from me, please do not hesitate to contact my office.

Sincerely,


Tynika Claxton

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JUL 25 2014

SC Court of Appeals

THE CLAXTON LAW FIRM, LLC
7008 SHAKESPEARE ROAD
COLUMBIA, SC 29223
803-400-1195 (P)
803-675-0259 (F)

July 10, 2014

John Julius Smith #246646
Turbeville C.I.
Highway 378
Turbeville, SC 29162

Re: New Trial Motion

Dear John:

I am filing a Motion to Be Relieved as Counsel in your case as I do not handle appellate cases. I have attempted to send your case to Appellate Defense and they do not handle appeals from Motions for New Trials. I will keep you posted as to the outcome of this Motion.

Should you have any questions from me, please do not hesitate to contact my office.

Sincerely,


Tynika Claxton

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JUL 25 2014

SC Court of Appeals

THE CLAXTON LAW FIRM, LLC
7008 SHAKESPEARE ROAD
COLUMBIA, SC 29223
803-400-1195 (P)
803-675-0259 (F)

July 10, 2014

John Julius Smith #246646
Turbeville C.I.
Highway 378
Turbeville, SC 29162

Re: New Trial Motion

Dear John:

Please find enclosed the Notice of Appeal that was filed on your behalf. The Issues that you want to appeal on will be addressed in the brief which will be prepared by me if I am not relieved as your attorney. I will keep you posted as to whether or not I am relieved.

Should you have any questions from me, please do not hesitate to contact my office.

Sincerely,


Tynika Claxton

THE CLAXTON LAW FIRM, LLC
P.O. BOX 50
BLYTHEWOOD, SC 29016
803-400-1195 (P)
803-675-0259 (F)

April 30, 2014

John Julius Smith #246646
Wateree Rm 208 B.R.C.I
4460 Broad River RD.
Columbia SC 29210

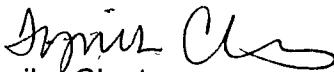
Re: New Trial Motion

Dear John:

I am in receipt of your letters. The Judge has not ruled in your case. We have not received the medical records from USC's pediatric neurology as of yet. Unfortunately, the Judge has signed an Order that prohibits me from giving you a copy of the records as the order states that the records are for the courts file and must be destroyed or returned to the medical office once used for its intended purpose. I will be able to let you know what is in the records however. I will let you know as soon as we have the records and a decision has been made.

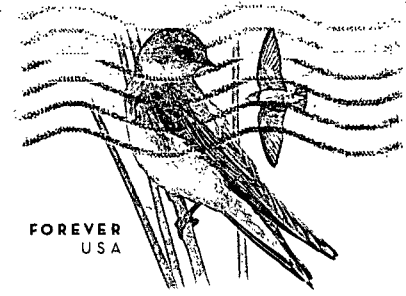
Should you have any questions from me, please do not hesitate to contact my office.

Sincerely,


Tynika Claxton

John J. Smith #246646
T.C.I. T-B-155A
P.O. Box 252
Turbeville, S.C 29162

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USA

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SOUTH CAROLINA COURT OF Appeal
Jenny ABBOTT Kitchings, Clerk
Post office Box 11629
Columbia, SOUTH CAROLINA
29211

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