



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V CLAIR ALLEN
DEPUTY CLERK

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July 25, 2014

Mr. Alex R. Stälvey, Esquire
PO Box 10007
Greenville SC 29603-0007

Re: The State v. Terry L. McCarrell
Appellate Case No. 2014-001586

RECEIVED

AUG 06 2014

South Carolina Court of Appeals

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/HTMLFiles/2014-04-15-02.htm. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

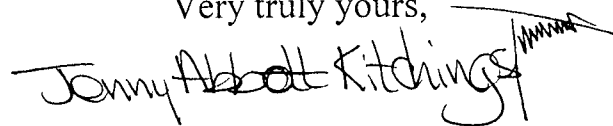
The State, Respondent,

v.

Terry L. McCarrell, Appellant.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink that reads "Jonny Abbott Kitchings". The signature is written in a cursive style with a long horizontal flourish extending to the right.

CLERK

cc: Lisa Ann Bentley, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

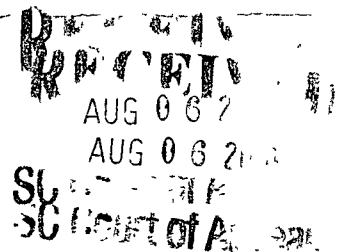
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July 25, 2014

~~Mr. Alex R. Stalvey, Esquire~~
PO Box 10007
Greenville SC 29603-0007

Re: The State v. Terry L. McCarrell
Appellate Case No. 2014-001586



Dear Counsel:

Upon reviewing your 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 sentence date on the sentencing sheets provided states July 8, 2014. However, your notice of appeal states the sentence was imposed on July 10, 2014. Please clarify the correct date the sentence was imposed and received by your office.

Very truly yours,

Handwritten signature of Jenny Abbott Kitchings.

CLERK

cc: Lisa Ann Bentley, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire

285 S C 457
Supreme Court of South Carolina

The STATE, Respondent,
v
James WASHINGTON, Appellant

No 22316 | Submitted April
15, 1985 | Decided May 13, 1985.

Defendant was tried in absentia and convicted in the General Sessions Court, Charleston County, Lawrence E Richter, Jr , J , of shoplifting, and defendant appealed The Supreme Court held that defendant's appeal would be dismissed without prejudice where defendant appealed from conviction before sealed sentence was imposed

Appeal dismissed

Attorneys and Law Firms

*458 **289 Asst Appellate Defender Elizabeth C Fullwood of S C Office of Appellate Defense, Columbia, for appellant

Atty Gen T Travis Medlock, Asst Atty Gen Harold M Coombs, Jr , Columbia, and Solicitor Charles M Condon, Charleston, for respondent

Opinion

PER CURIAM

[1] Appellant was tried *in absentia* and convicted of shoplifting Appeal was taken from the conviction before the sealed sentence was imposed The appeal is dismissed

[2] A criminal conviction is not final for purposes of appeal until after sentence is imposed So long as the sentence remains sealed, no appeal can be taken *State v Wilhe Clay Robinson*, Order filed April 19, 1985

This appeal is dismissed without prejudice to appellant's right to raise these issues on timely appeal

APPEAL DISMISSED

Parallel Citations

330 S E 2d 289

BANNISTER, WYATT & STALVEY, LLC
ATTORNEYS AT LAW

O W BANNISTER | JOHN F WYATT | JAMES W BANNISTER | BRUCE W BANNISTER

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August 3, 2014

Via U.S. Mail and Facsimile ((803)734-1839)

The Honorable Jenny Abbot Kitchings
Clerk
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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AUG 06 2014
SC Court of Appeals

Re: The State v. Terry L. McCarrell
Appellate Case No. 2014-001586

Dear Madame Clerk:

I received your correspondence of July 25, 2014 requesting a clarification of the correct date of sentencing for the above appellant. Please allow this letter to serve as the clarification.

Mr. McCarrell was tried in absentia and convicted in the Greenville County Court of General Sessions on July 8, 2014 which is reflected on the sentencing sheets provided. The sentence was sealed by order of the Honorable Robin B. Stilwell on that date and a bench warrant was issued for Mr. McCarrell's arrest. Mr. McCarrell was served with the bench warrant on July 9, 2014. He appeared before Judge Stilwell on July 10, 2014 and received his sentence that day.

A criminal conviction is not final for purposes of appeal until after sentence is imposed and as long as the sentence remains sealed, no appeal can be taken. *State v Washington*, 330 S.E.2d. 289, 285 S.C. 457 (1985).

If an additional filing is necessary to properly establish this clarification, please inform me at your earliest convenience so that I may comply.

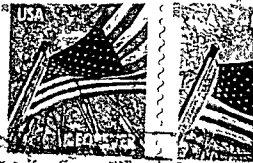
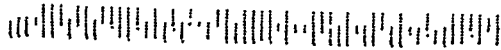
Yours truly,
BANNISTER, WYATT & STALVEY, LLC

A handwritten signature in black ink, appearing to read 'Alex R. Stalvey', with a stylized, cursive script.

Alex R. Stalvey

ARS

Cc: Lisa Ann Bentley, Esquire
Salley W. Elliot, Esquire
Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire



Greenville 29611 296
MON 04 AUG 2014 PM

Alex Stalvey
Greenville County Public Defender
Greenville County Courthouse
305 E North St , Suite 123
Greenville, SC 29601

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SC Court of Appeals

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