

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM CHESTERFIELD COUNTY  
COURT OF GENERAL SESSIONS  
PAUL M. BURCH, CIRCUIT COURT JUDGE

CASE NO. 2002-GS-13-1556

RECEIVED

MAR 13 2015

S.C. Supreme Court

State of South Carolina ..... Respondent

v.

Marcus Fashaw, #29833 ..... Appellant

NOTICE OF APPEAL

Marcus Fashaw appeals the Order of the Honorable Paul M. Burch dated December 17, 2014 dismissing Appellant's Motion for After-Newly Discovered Evidence. Appellant received written notice of entry of this order on February 20, 2015. Appellant received written notice of entry of this order on February 23, 2015 via a letter from the Chesterfield County Clerk of Court.

March 10, 2015

*Marcus Fashaw* <sup>tt</sup> 29833

Marcus Fashaw, #29833  
Allendale C.I.  
P.O. Box 1151  
Fairfax, SC 29827



STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Case No. 2002-GS-13-1556

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State of South Carolina ..... Respondent

v.

Marcus Fashaw, #29833..... Appellant

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PROOF OF SERVICE

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I certify that I have served the Notice of Appeal by depositing a copy of  
same in the United States Mail, postage prepaid on March 10, 2015 to Alan  
Wilson, Attorney General of S.C. Office of Attorney General, P.O. Box 11549  
Columbia, ~~South Carolina~~, 29921

*Marcus Fashaw* #29833

Marcus Fashaw, #29833

STATE OF SOUTH CAROLINA  
COUNTY OF CHESTERFIELD  
IN THE COURT OF COMMON PLEAS (PMB)  
General Sessions  
State of South Carolina

JUDGMENT IN A CIVIL CASE PMB  
CASE NO. PMB 652002-13-1556  
Marcus M. Fashaw

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Defendant's Motion for After Discovered Evidence  
Attorney for:  Plaintiff  Defendant or  Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other Administratively
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court: The Court of General Sessions impanels Grand Jurors in Chesterfield County, not the Fourth Circuit Solicitor's Office.

This order  ends  does not end the case.  
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX  
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge [Signature] Judge Code 2048 Date 12/17/2014



**CHESTERFIELD COUNTY CLERK OF COURT**

200 West Main Street • P. O. Box 529  
Chesterfield, South Carolina 29709  
Telephone: (843) 623-2574

Court of General Sessions  
Court of Common Pleas  
Register of Deeds

FEBRUARY 20, 2015

MARCUS FASHAW, #29833  
ALLENDALE C.I.  
POST OFFICE BOX 1151  
FAIRFAX, SC 29827

PLEASE FIND THE REQUESTED DOCUMENTS ENCLOSED, THERE WILL BE A 25 CENT FEE FOR EACH DOCUMENT THE NEXT TIME THESE DOCUMENTS ARE REQUESTED.

OUR OFFICE DOES NOT HANDLE DETAINERS, YOU WILL HAVE TO CONTACT THE ARRESTING AGENCY THAT PLACED THE DETAINER ON YOU.

I HAVE PLACED YOUR LETTER/MOTION REGARDING A SPEEDY TRIAL IN YOUR FILE AND I HAVE MADE A COPY AND FORWARDED TO THE SOLICITORS OFFICE.

I HAVE PLACED YOUR LETTER REGARDING YOUR CHARGES TO BE DISMISSED OF IN YOUR FILE AND I HAVE ALSO FORWARD A COPY TO THE SOLICITORS OFFICE.

OUR OFFICE DOES NOT HANDLE JAIL TIME YOU WILL NEED TO CONTACT YOUR CASE WORKER TO FIND OUT THAT INFORMATION.

XXX OTHER: PLEASE FIND ENCLOSED THE FORM 4 THAT THE HONORABLE PAUL M. BURCH SIGNED ON 12/17/2014 TO ADMINISTRATIVELY DISMISS YOUR MOTION FOR AFTER-NEWLY DISCOVERED EVIDENCE.

SINCERELY,  
COURT SERVICES SECTION

STATE OF SOUTH CAROLINA )  
COUNTY OF Chesterfield )

AFFIDAVIT OF INDIGENCY

Case Name 2002-GS-13-1556 / State v. Fashaw

Criminal Case No. 2002-GS-13-1556

Current Address: P.O.Box 1151/ Fairfax, SC 29827

Are you incarcerated?  Yes (If "Yes") Where? Allendale C.I.  
 No

What were you convicted of? Chesterfield County - Arm Robbery

What was your sentence? 26 years

In what county was this hearing held? No hearing in Chesterfield County

Presiding Judge's name? Paul M. Burch

Date of hearing? NO HEARING DATE

Are you appealing from a trial, guilty plea or from a post-conviction relief hearing? Judge Decision

Were you represented by a court-appointed attorney, public defender, , or retained counsel?  
NO ATTORNEY

Name of attorney/public defender? NO ATTORNEY

If retained, how much did you pay for attorney fees? \$ N/A

If you still owe money to your attorney, how much? \$ N/A

.....  
1. Are you presently employed? Yes \_\_\_\_\_ No X

a. If "yes," state the amount of your salary or wages per month, and give the name and address of your employer. N/A

b. If "no," state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month. N/A

2. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support. N/A

*N/A*

3. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?

Yes \_\_\_\_\_ No

b. Rent payments, interest or dividends?

Yes \_\_\_\_\_ No

c. Pensions, annuities or life insurance payments?

Yes \_\_\_\_\_ No

d. Gifts or inheritance?

Yes \_\_\_\_\_ No

e. Any other sources?

Yes \_\_\_\_\_ No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. N/A

4. Do you own cash, or do you have any money in a checking or savings account?

Yes \_\_\_\_\_ No

If the answer is "yes," state the total amount of the cash owned. \$ N/A

5. Do you own any real estate, stocks, bonds, notes or other valuable property (excluding ordinary household furnishings and clothing)? Yes \_\_\_\_\_ No

If the answer is "yes," describe the property and state the appropriate value of the items owned. N/A

6. What kind of motor vehicle do you own? N/A

Is it paid for? Yes \_\_\_\_\_ No

If not, what are the monthly payments? \$ N/A

7. How much do you owe (on liens, mortgages, other encumbrances or debts)? N/A

I do solemnly swear that the account by me delivered into this Court does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I, or any person in trust for me, have or at the time of my possession had, or am, or was, in respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand that the State shall file a claim against me in an amount equal to the cost for representation, but that such claim shall not constitute a lien against my property, unless, the claim is reduced to judgment by the Order of the Court after giving me at least thirty days' notice.

Under penalty of perjury, I certify that the information give by me on this affidavit is true and correct, and I understand that I will be subject to civil and/or criminal penalties if I knowingly furnish false information.

I am financially unable to employ counsel.

This 10<sup>th</sup> day of March, 2015.

Marcus Labrus  
Defendant

I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This 10<sup>th</sup> day of March, 2015.

Marcus Labrus  
Defendant

SUBSCRIBED AND SWORN to before  
me this 10<sup>th</sup> day of March, 2015

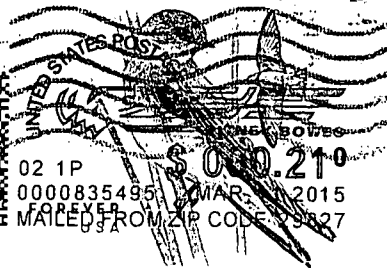
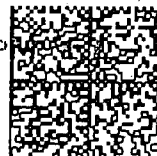
Debbi L. McCask  
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission Expires: July 10, 2024

Marcus Fashaw, <sup>293833</sup> #~~29833~~ F-3-B-14  
Allendale C.I.  
P.O.Box 1151  
Fairfax, SC 29827

AUGUSTA, GA 309

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MAILED FROM ZIP CODE 29827

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Bank Swallow

LEGAL MAIL

Attn.: Daniel E. Shearous, Clerk of Court  
The S.C. Supreme Court  
P.O.Box 11330  
Columbia, SC 29211

RECEIVED

MAR 11 2015

MAILROOM  
ACI

29211&1330

