

Clerk of Court
Daniel E. Shearouse
Post Office Box 11330
Columbia, S.C. 29211

Dated: 3-23-15

RECEIVED

MAR 25 2015

S.C. Supreme Court

RE: Post-Conviction Appeal And Argument
With included Memorandum IN Support.

CASE NO. 2013-CP-13-140

Dear Mr. Shearouse,

Please File My Notice of Appeal
Along with my Argument And Memorandum IN
Support For The Courts Review.

Please Be Advised THAT The State
of South Carolina, Respondent Has
Been served with The Same Along with
Proof of Service.

Thank you,

Kenyon D. Gaitner,
15113-171
FCI Bennettsville
P.O. Box 5202d
Bennettsville, SC
29512

Memorandum IN Support

Issue "ONE" (1.)

The Petitioner is ASKING The Court To Review his Claim of Plea Counsel Failed To File An APPEAL From The original Plea Of The Trial And Sentencing Hearing.

This Allegation requires An Evidentiary Hearing To Determine if Trial Counsel Was ineffective Assistance of Counsel, For Failing to Protect Petitioner's Direct APPEALS rights.

A Petitioner Has A Constitutional 6th Amend. right To Effective Assistance OF Counsel. And A Constitutional right To A "First" Direct APPEAL. Therefore, The Post-conviction Judges order of Dismissal is in Error For NOT Affording The Petitioner A White V. STATE Special Review, (Citing) White V. STATE 263 S.C. 110, 208 SE2d 35 (1974)

IF This Case Would Have Been APPEALED From The original Sentencing The APPEALS Court Would Have Vacated The Petitioner's Conviction And sentence. Therefore The Petitioner PRAYS That This Court will grant him An APPEAL Right under White V. STATE.

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MAR 25 2015

S.C. Supreme Court

3-23-15
Kerron Walther

The State of South Carolina
IN The Court of Appeals
(IN The Supreme Court)

RECEIVED

MAR 25 2015

S.C. Supreme Court

Appeal From Chesterfield County
Court of Common Pleas

William H. Seals JR. Circuit Court Judge

Case No: 2013-CP-13-140

KENYON D. GAITHER,
Applicant,

VS.

NOTICE OF
APPEAL

State of South Carolina,
Respondent,

Certificate of Service

The undersigned hereby certifies that a true copy of the Notice of Appeal and Memorandum IN Support has been served upon the Respondent and the Supreme Court of Appeals by mailing (1) copy to each in the United States mail, postage prepaid, addressed to:

S.C. Attorney General's Office
Post Office Box 11549
Columbia, SC 29211-1549

And S.C. Supreme Court
Clerk of Court
Post Office Box 11330
Columbia, SC 29211

DATED: 3-23-15

X. Kenyon D. Gaither

Kenyon D. Gaither #15013-021

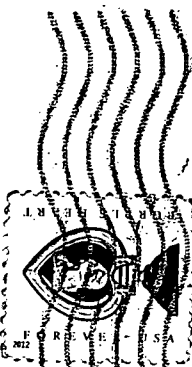
Page 2 of 2

⇒ 15113-171 ⇒

Kenyon Gaither
Po Box 52020
Bennettsville
Federal Correction Institute
Bennettsville, SC 29512
United States

COLUMBIA, SC 290

291 MAR 2015 PM 3:11



FEDERAL CORRECTIONAL INST.

696 MUCKERMAN RD, BENNETTSVILLE, S. C. 29512

DATE 03-24-2015

THE ENCLOSED LETTER WAS PROCESSED THROUGH SPECIAL MAILING PROCEDURES FOR FORWARDING TO YOU. THE LETTER HAS BEEN NEITHER OPENED NOR INSPECTED. IF THE WRITER RAISES A QUESTION OR PROBLEM OVER WHICH THIS FACILITY HAS JURISDICTION, YOU MAY WISH TO RETURN THE MATERIAL FOR FURTHER INFORMATION OR CLARIFICATION. IF THE WRITER ENCLOSED CORRESPONDENCE FOR FORWARDING TO ANOTHER ADDRESSEE, PLEASE RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.

⇒ 15113-171 ⇒

Daniel E Shearouse
Court of Appeals
PO BOX 11330
Columbia, SC 29211
United States

29211133030

