

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
MAY 12 2015  
**SC Court of Appeals**

APPEAL FROM THE COURT OF GENERAL SESSIONS  
LEXINGTON COUNTY

The Honorable Keith Kelly, Circuit Court Judge  
Appellate Case No: 2015-000644  
Trial Court Case No: 2015GS3200721

MOTION TO WITHDRAW APPEAL  
WITHOUT PREJUDICE  
PURSUANT TO RULE 235

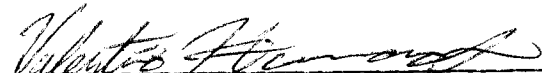
On March, 16 2015, the Appellant pled guilty to Assault and Battery Second Degree. The Honorable Keith Kelly imposed a three year sentence to run consecutive to Appellant's sentence of forgery that he is currently serving.

Appellant filed a Motion for Reconsideration of Sentence on March 16, 2015. On March 26, 2015, the Appellant wrote the Clerk of Court in Lexington County when he had not received a stamp clock copy of his motion, where there was a mix up in receipt of his motion, and resubmitted another motion for Reconsideration of Sentence. ( See Attached Letter to Clerk of Court ).

Appellant filed a notice of intent to appeal his conviction with the South Carolina Supreme Court, out of caution, where the ten day rule for filing appeal of criminal convictions is jurisdictional. This was due to the delay from the Clerk of Court in receiving filing of his motion for Reconsideration.

On March 30, 2015, the Clerk of Court filed Appellant's Motion for reconsideration, and a hearing date was scheduled for May 4, 2015. However, due to the transfer of the appeal to the Court of Appeals the Lower Court has assumed that the Court of Appeals has taken jurisdiction over the matter. As Such, the Lower Court has removed the Motion from the docket to be heard and has transferred all documentation to the Court of Appeals.

The Appellant now seeks to be allowed to withdraw his appeal without prejudice, for the above reasons, where the Appellant has filed a timely motion that would stay this Court's Jurisdiction for filing an appeal, and has not waived his right to a ruling by the Lower Court. That Pursuant to Rule 235, the Appellant seeks an Order that the matter be remitted to the Lower Court for consideration of his Motion for Reconsideration, with instructions for allowing the Appellant to refile, if need be, once a ruling has been made by the Lower Court on the Motion for Reconsideration.

SI 

Valentino M. Hammonds  
Keshaw C.I. H-C 119  
4848 Goldmine Highway  
Kershaw, SC 29067

May 5, 2015

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM THE COURT OF GENERAL SESSIONS  
LEXINGTON COUNTY

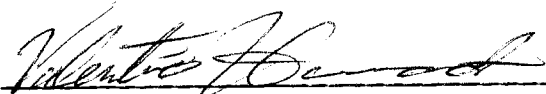
The Honorable Keith Kelly, Circuit Court Judge

Appellate Case No: 2015-000644

Trial Court Case No: 2015GS3200721

PROOF OF SERVICE

I, Valentino Hammonds, certify that I have served the Clerk of Court for the South Carolina Court of Appeals on May 5, 2015 with Appellant's Motion to Withdraw Appeal without Prejudice by depositing in the United States Mail an original copy addressed as follows: P.O. Box 11629, Columbia, SC 29211.

S/ 

Valentino M. Hammonds  
Keshaw C.I. H-C 119  
4848 Goldmine Highway  
Kershaw, SC 29067

May 5, 2015

VALENTINO M. HAMMONDS #309227  
Kershaw Correctional Institution  
4848 Goldmine Highway H-119  
Kershaw, SC 29067

FILED  
2015 MAR 30 PM 3:31

BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON, SC

March, 26 2015

Beth A. Carrigg  
Clerk of Court  
lexington County Judicial Center  
Lexington, SC 29072

RE: Filing of Motion for Reconsideration of Sentence

Dear Ms. Carrigg;

I previously mailed you a motion for reconsideration, however there seems to be some mix up in receipt. So I am refileing the motion and have certified it for service to ensure it's receipt. Also I would ask that you return a stamp clocked copy of the same to me and serve the Honorable Circuit Judge Keith Kelly with the Motion for disposition. Also I would request a PCR Application from you also. I thank you in advance.

Sincerely

Valentino Hammonds

*Valentino  
Hammonds*



WHEREFORE, the Defendant seeks a hearing on his motion for reconsideration, or in the alternative the opportunity to withdraw his plea on March, 16 2015.

RESPECTFULLY SUBMITTED

*Valentino Hammonds*

Valentino M. Hammonds  
Kershaw Correctinal Institution  
4848 Goldmine Highway  
Kershaw, SC 29067

C.C. File



Valentino M. Hammonds #309227  
Kershaw Correctional Institution  
4848 Goldmine Highway H-C 119  
Kershaw, Sc 29067

May 5, 2015

Clerk of Court  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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**SC Court of Appeals**

RE: Motion to Withdraw Appeal Without Prejudice  
Appellate Case No: 2015-000644  
Trial Court Case No: 2015GS32--721

Dear Clerk:

Please find enclosed Appellant's Motion to Withdraw Without Prejudice in the above referenced case. Please file such with the Attorney General's Office, and return me a stamp clock copy as you are able to do so. I thank you in advance.

Sincerley

Valentino M. Hammonds



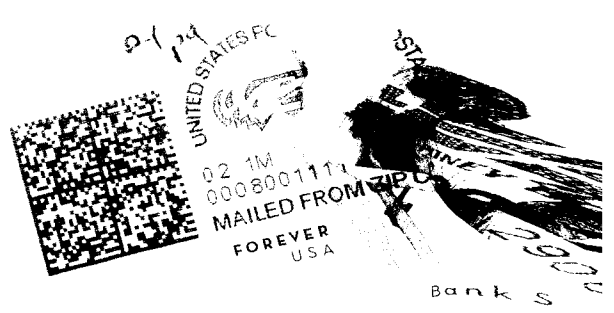
C.C. File

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48 Goldmine  
Asham, South

309227  
INST.  
Hwy H-C119  
Carolina 29067

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SC 200  
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SC Court of Appeals

S.C. Court of Appeals  
Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211

Legal  
Mail

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