

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM SPARTANBURG COUNTY  
IN THE COURT OF COMMON PLEAS  
DERHAM COLE, CIRCUIT COURT JUDGE

RECEIVED  
JUN 18 2015  
SC Court of Appeals

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CASE No. 2011-CP-42-00753

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BARRY J. BARNETTE,

RESPONDENT,

v.

DERRICK L. CHEEKS

APPELLANT.

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MOTION TO REINSTATE

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The Appellant, Derrick L. Cheeks, hereby makes a motion to reinstate pursuant to Rule 221 of the South Carolina Appellate Court Rules in the above-captioned matter from the decision of the panel of the South Carolina Court of Appeals on June 2, 2015 in Barry J. Barnette, Respondent v. Derrcik L. Cheeks, Appellate Case No. 2014-002647. The decision affirmed Cheek's dismissal for failure to correct deficiencies in Notice of Appeal: namely, the failure to provide a copy of the Order challenged on appeal, or a Proof of Services showing timely service upon the State. While the panel found that on

February 6, 2015, the Court of Appeals received a document entitled "Notice of Appeal" bearing the caption Robin C. File, as Personal Representative of the Estate of Barry J. Barnette v. Derrick L. Cheeks, an order confirming the forfeiture was attached to the filing, and the Court of Appeals opened a new appeal and assigned the Appellate Case Number 2015-000238, it concluded the two cases are consolidated using the caption and appellate case number: 2014-002647, and the consolidated appeal was dismissed for the failure to provide a proof of timely service of Notice of Appeal and failure to pay the \$100.00 filing fee. Appellant submits respectfully that the panel's decision unequivocally over looked and misapprehended certain facts and positions in affirming his dismissal.

#### I. NOTICE OF APPEAL

A. The Notice of Appeal unequivocally stated the date Appellant received a Copy of the Order but failed to accompany a Copy of the Order And A Proof of Timely Service.

The allegations contained in the letters dated January 26, 2015 were as follows:

Upon reviewing your Notice of Appeal, the following deficiency or deficiencies have been noted under South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within (10) days of this letter:

The caption/title does not comply with Rule 267(a), SCACR. Specifically, the date you received copies of the Order(s) and/or sentencing sheet(s) on appeal is not stated.

The Notice of Appeal is not accompanied by a redacted copy of the Order(s)

and/or sentencing sheet(s) challenged on appeal.

A proof of service has not been provided showing service upon opposing counsel. You must serve and file a proof of service substantially in the format shown by form 7 in Appendix C to part II of the SCACR.

(See Attachment Letter Dated January 26, 2015). The Notice of Appeal filed on January 21, 2014 along with a motion for extension of time unequivocally assert the date Appellant received the Order. The only deficiencies the Appellate failed to correct were an accompanying Order and a timely Proof of Service. (See Attachment Notice of Appeal And Motion for Extension of Time).

On February 3, 2015, Appellant filed a Notice of Appeal Postage Prepaid to the Honorable Jenny Abbott Kitchings, Clerk, South Carolina Court of Appeals, and the Honorable M. Hope Blackley, Clerk, Spartanburg County. Additionally, Appellant enclosed a copy of the Order and Proof of Service. (See Attachments Dated February 3, 2015). On February 13, 2015 the Court of Appeals unequivocally asserted my appeal was received, assigned the appellate case number: 2015-000238, and asserted the only deficiency Appellant had to correct was the \$100.00 filing fee. (See Attachments Dated February 13, 2015). On February 27, 2015 the Court of Appeal unequivocally sent Appellant a letter in equipoise to the January 26, 2015 letter to correct the same deficiencies Appellant had corrected on February 3, 2015. (See Attachment Dated February 27, 2015). Curiously, on April 3, 2015 V. Claire Allen, Deputy Clerk, South Carolina Court of Appeal sent Appellant an Order dismissing Notice of Appeal asserting Appellant failed to comply with the two letters sent by the Court dated January 26, 2015 and February 27, 2015 requesting a copy of the Order and a Proof of Service upon opposing counsel. (See Attachment Dated April 3, 2015).

The panel asserted the Court of Appeal received a document on February 6, 2015 entitled "Notice of Appeal" bearing the caption Robin C. File, as Personal Representative of the Estate of Barry J. Barnette v. Derrick L. Cheeks, an Order confirming the forfeiture was attached to this filing, and the Court of Appeals opened a new appeal assigning the Appellate Case Number 2015-00238. (See Attachment Dated June 2, 2015). However, despite this reasoning, the panel found that Appellant's consolidated appeal was dismissed for failure to provide a proof of timely service of the Notice of Appeal and failure to pay the \$100.00 filing fee.

First, there are numerous facts indicating that the panel reviewed the record unequivocally over looking and misapprehending certain facts and position in affirming Appellant's conviction. The panel overlooked the fact that although the first Notice of Appeal filed didn't have an accompanying copy of the Order to be challenged on Appeal or a timely Proof of Service it did however assert the date the Order was received. This contradicts the Courts assertion that the caption/titled did not comply with Rule 267(a), SCACR, due to the fact the Notice of Appeal unequivocally assert the date Appellant received the Order.

The panel overlooked the fact that a timely Proof of Service also was attached to the filing. Additionally the panel overlooked the fact that in the February 13, 2015 letter from the Court the Court asserted my appeal had been received due to the fact the panel;'s Order unequivocally assert the appeal was opened and assigned a different case number. Finally the panel overlooked the fact Appellant's Notice of Appeal was dismissed for a failure to accompany a copy of the Order and Proof of Service.

Second, the panel's Order unequivocally contradicts the Clerks assertion that Appellant failed to send an accompanying Order with the Notice of Appeal but misapprehended Appellant's appeal was dismissed for failure to pay the \$100.00 filing fee.

C O N C L U S I O N

Wherefore having made a Motion for Reinstatement, the Appellant, Derrick L. Cheeks, respectfully request that the opinion be vacated and his Notice of Appeal be reinstated.

Respectfully Submitted,

By: Derrick L. Cheeks

Attorney for Appellant

Derrick L. Cheeks #343108  
Lee C.I. F6-A-1140  
990 Wisacky Highway  
Bishopville, S.C. 29010

cc: South Carolina Legislative Black Caucus  
Mrs. Johnson  
1105 Pendleton Street, Suite 207  
207 Solomon Blatt Building  
Columbia, S.C. 29201

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
In the Court of Common Pleas

Derham Cole Circuit Court Judge  
Case No. 2011-CP-42-00753

RECEIVED

JUN 18 2015

SC Court of Appeals

The State,

Respondent,

Vs

Derrick L. Cheeks

Appellant

NOTICE OF APPEAL

PLEASE TAKE NOTICE, that defendant, Derrick L. Cheeks, hereby appeals the above-captioned matter of the Civil Procedure Law of the State of South Carolina, County of Spartanburg, in the Court of Common Pleas to the Appellate Division of the Supreme Court of South Carolina, from the December 13, 2013 judgement order made and entered by Hon. Derham Cole, entering an order of forfeiture of funds and that this appeal is taken from said judgement order and from each and every part thereof and made therein. Appellate received written notice of entry of this order on January 8, 2014.

Other Counsel of Record:

Barry J. Barnette Solicitor  
Spartanburg County 7th Judicial Circuit  
Solicitor's Office

Robin C. File, Assistant Solicitor  
Spartanburg County Judicial Center  
180 Magnolia Street, 3rd Floor  
Spartanburg S.C. 29306

Derrick Cheeks

Derrick L. Cheeks  
Lee Carr Inst  
990 Wisnedy Highway  
Bishopville S.C 29010

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED

APPEAL FROM SPARTANBURG COUNTY

JUN 18 2015

In the Court of Common Pleas

SC Court of Appeals

Derham Cole, Circuit Court Judge

Notice of Motion for Extension of Time to Appeal

PLEASE TAKE NOTICE, that upon the annexed affidavit of Derrick L. Cheeks Sworn to on the \_\_\_\_\_ day of February, 2014, and upon all the proceedings in this case, a Motion for Extension of Time for taking an appeal from the judgement order imposed by the Court of Common Pleas of the County of Spartanburg rendered on the 13 day of December, 2013. An order was entered upon the above named defendant for the forfeiture of funds, upon the ground that said defendant's failure to file a Notice of Appeal in a timely fashion resulted from the said order being mailed to the South Carolina Department of Correction P.O. Box address and not mailed to the Appellant's Institutional address and without inmate's number, so that Appellant could receive the order in time to file the necessary appeal within the thirty day time limit; and for such other and further relief as the Court may deem just and proper.

DATED:

Other Counsel of Record:

Barry J. Barnette, Solicitor  
Spartanburg County 7th Judicial Circuit  
Solicitors Office

Robin C. File, Assistant Solicitor  
Spartanburg County Judicial Center  
180 Magnolia Street, 3rd Floor  
Spartanburg S.C. 29306

Derrick Cheeks  
Derrick L. Cheeks  
Lee Carr. Inst  
990 Wisacky Highway  
Bishopville S.C. 29010

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2011CP4200753

Barry J Barnette

Derrick L Cheeks

Tracy Markley

RECEIVED

JUN 18 2015

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 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: \_\_\_\_\_
- 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:

ORDER INFORMATION

*forfeiture confirmed*

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: \_\_\_\_\_

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2013 DEC 3 AM 11:14

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.

*[Signature]*  
Circuit Court Judge

2053

Judge Code

12/13/13

Date

For Clerk of Court Office Use Only

12/13/13

12/13/13

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on, to attorneys of record or to parties (when appearing pro se) as follows:

Barry J Barnette As Solicitor ,

Robin Clark File 180 Magnolia St., 3Rd Floor Spartanburg, SC 29306

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*M. Hope Blackley*  
M Hope Blackley - Clerk of Court *Pat Roberts*

Court Reporter

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2013 DEC 13 AM 11:44  
M. HOPE BLACKLEY



## 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  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

February 13, 2015

Derrick L. Cheeks, 343108  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville SC 29010

Re: Barry J. Barnette v. Derrick L. Cheeks  
Appellate Case No. 2015-000238

Dear Mr. Cheeks:

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](http://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](http://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.



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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February 13, 2015

Derrick L. Cheeks, 343108  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville SC 29010

Re: Barry J. Barnette v. Derrick L. Cheeks  
Appellate Case No. 2015-000238

Dear Mr. Cheeks:

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 or your appeal will be dismissed:

- The required filing fee has not been submitted. The correct filing fee is \$100.00.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Robin Clark File, Esquire



## 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  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

February 27, 2015

Derrick L. Cheeks, 343108  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville SC 29010

Re: The State v. Derrick L. Cheeks  
Appellate Case No. 2014-002647

Dear Counsel:

This is our second letter regarding deficiencies.

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 or this appeal will be dismissed:

- The caption/title does not comply with Rule 267(a), SCACR. Specifically, the date you received the copies of the order(s) and/or sentencing sheet(s) on appeal is not stated.
- The notice of appeal is not accompanied by a redacted copy of the order(s) and/or sentencing sheet(s) challenged on appeal.
- A proof of service has not been provided showing service upon opposing counsel. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

# The South Carolina Court of Appeals

The State, Respondent,

v.

Derrick L. Cheeks, Appellant.

Appellate Case No. 2014-002647

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2011CP4200753

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## ORDER

---

Appellant has failed to comply with the two letters sent by this Court dated January 26, 2015 and February 27, 2015 requesting the following corrections: a redacted copy of the order(s) and/or sentencing sheet(s) challenged on appeal, as required by Rule 203(d)(1)(B)(ii) of the South Carolina Appellate Court Rules and a proof of service showing timely service upon opposing counsel, as required by Rule 203(d)(1)(B)(i), SCACR. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:  
Derrick L. Cheeks, 343108  
Barry Joe Barnette, Esquire  
Robin Clark File, Esquire

**FILED**

April 3, 2015

# The South Carolina Court of Appeals

Barry J. Barnette, as Acting Solicitor for the Seventh  
Judicial Circuit, Respondent,

v.

Derrick L. Cheeks, Appellant.

Appellate Case No. 2014-002647

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## ORDER

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On April 3, 2015, this Court dismissed State v. Derrick L. Cheeks, Appellate Case Number 2014-002647, for failure to correct deficiencies in the notice of appeal; namely, the failure to provide a copy of the order and/or sentencing sheet(s) challenged on appeal, or a proof of services showing timely service upon the State. However, on February 6, 2015, we received a document entitled "Notice of Appeal" bearing the caption Robin C. File, as Personal Representative of the Estate of Barry J. Barnette v. Derrick L. Cheeks. An order confirming the forfeiture was attached to this filing. We opened a new appeal and assigned the Appellate Case Number 2015-000238.

At this time, these two cases are consolidated using the caption and appellate case number shown above. Furthermore, the consolidated appeal is dismissed for the failure to provide a proof of timely service of the notice of appeal and failure to pay the \$100 filing fee. The remittitur will be sent fifteen days after the date of filing of this order, as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

  
FOR THE COURT

**FILED**  
6/2/15

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM SPARTNABURG COUNTY  
IN THE COURT OF COMMON PLEAS

**RECEIVED**

JUN 18 2015

SC Court of Appeals

Honorable Derham Cole  
Circuit Court Judge of the Seventh Judicial Circuit

---

CASE NO: 2011-CP-42-00753

---

Robin C. File, as Personal Representative of the Estate of Barry J. Barnette,

Respondent

v.

Derrick L. Cheeks,

Appellant

---

**NOTICE OF APPEAL**

---

Appellant appeals the order of forfeiture, dated December 13, 2013 of the Honorable Derham Cole. This appeal is taken pursuant to the December 13, 2013 order signed by the Honorable Derham Cole that was received by Appellant on January 8, 2014.

Sincerely,

Derrick L. Cheeks 343108  
Lee CI Florence North 1140  
990 Wisacky Highway  
Bishopville, SC 29010  
Attorney for Appellant

Robin C. File, Assistant Solicitor  
Spartanburg County Judicial Center  
180 Magnolia Street, 3<sup>rd</sup> Floor  
Spartanburg, SC 29306  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM SPARTNABURG COUNTY  
IN THE COURT OF COMMON PLEAS

**RECEIVED**

JUN 18 2015

Honorable Derham Cole  
Circuit Court Judge of the Seventh Judicial Circuit

SC Court of Appeals

---

CASE NO: 2011-CP-42-00753

---

Robin C. File, as Personal Representative of the Estate of Barry J. Barnette,

Respondent

v.

Derrick L. Checks,

Appellant

---

**PROOF OF SERVICE**

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I certify that I have served the Notice of Appeal on Barry J. Barnette by depositing a copy of it in the United States Mail, postage prepaid, on February 3, 2015 addressed to his attorney of record, Robin C. File, 180 Magnolia Street, 36d Floor, Spartanburg, SC 29306 [by personally delivering a copy of it to his attorney of record, Robin C. File, at his office at 180 Magnolia Street, 3<sup>rd</sup> Floor, Spartanburg, SC 29306 on February 3, 2015].

Sincerely,

Derrick L. Cheeks 343108  
Lee CI Florence North 1140  
990 Wisacky Highway  
Bishopville, SC 29010  
Attorney for Appellant

M. Hope Blackley  
Clerk of Court  
Post Office Box 3483  
Spartanburg, SC 29304-3483

Robin C. File, Assistant Solicitor  
Spartanburg County Judicial Center  
180 Magnolia Street, 3<sup>rd</sup> Floor  
Spartanburg, SC 29306  
Attorney for Respondent



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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1015 SUMTER STREET  
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FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 26, 2015

Derrick L. Checks, 343108  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville SC 29010

Re: The State v. Derrick L. Checks  
Appellate Case No. 2014-002647

Dear Mr. Checks:

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 caption/title does not comply with Rule 267(a), SCACR. Specifically, the date you received copies of the order(s) and/or sentencing sheet(s) on appeal is not stated.
- The notice of appeal is not accompanied by a redacted copy of the order(s) and/or sentencing sheet(s) challenged on appeal.
- A proof of service has not been provided showing service upon opposing counsel. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Derrick Lamar Cheeks

Lee CI Florence North 1140  
990 Wisacky Highway  
Bishopville, SC 29010

February 3, 2015

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**

JUN 18 2015

SC Court of Appeals

RE: ROBIN C. FILE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF  
BARRY J. BARNETTE, RESPONDENT V. DERRICK L. CHEEKS, APPELLANT  
CASE NO: 2011-CP-42-00753

Dear Ms. Kitchings:

Enclosed is a notice of appeal in the above case. Also enclosed are the following:

1. A copy of the order(s) (judgment) which (are) to be challenged on appeal.
2. Proof of service of the notice of appeal on the respondent(s).

Sincerely,

Derrick L. Cheeks 343108  
Lee CI Florence North 1140  
990 Wisacky Highway  
Bishopville, SC 29010  
Attorney for Appellant

Other Counsel of Record:  
Robin C. File, Assistant Solicitor  
Spartanburg County Judicial Center  
180 Magnolia Street, 3<sup>rd</sup> Floor  
Spartanburg, SC 29306  
Attorney for Respondent

Derrick Lamar Cheeks

Lee CI Florence North 1140  
990 Wisacky Highway  
Bishopville, SC 29010

February 3, 2015

The Honorable M. Hope Blackley  
Clerk of Court for Spartanburg County  
Post Office Box 3483  
Spartanburg, SC 29304-3483

**RECEIVED**

JUN 18 2015

SC Court of Appeals

RE: ROBIN C. FILE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF  
BARRY J. BARNETTE, RESPONDENT, V. DERRICK L. CHEEKS, APPELLANT  
CASE NO: 2011-CP-42-00753

Dear Ms. Blackley:

Enclosed is a notice of appeal in the above case. Please clock stamp, forward a copy back to me, and forward a copy to Robin C. File.

Sincerely,

Derrick L. Cheeks 343108  
Lee CI Florence North 1140  
990 Wisacky Highway  
Bishopville, SC 29010

CC: Robin C. File, Assistant Solicitor  
Spartanburg County Judicial Center  
180 Magnolia Street, 3<sup>rd</sup> Floor  
Spartanburg, SC 29306  
Attorney for Respondent

6  
Tick Checks 343108

CI 56A 1140

VisaKey Highway

Spville, SC 29010

RECEIVED

JUN 18 2015

SC Court of Appeals

The Honorable Jenny Abbott Kitchings

Clerk, South Carolina Court of Appeals

Post Office Box 11629

Columbia, SC 29211